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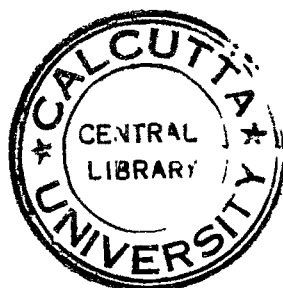
A CRITICAL STUDY OF CRIME AND PUNISHMENT
UNDER THE SULTANS OF DELHI(1206-1526).

A THESIS FOR THE DEGREE OF PH.D.(ARTS),
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SCANNED



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PREFACE

This thesis attempts to make a critical study of Crime and Punishment under the Sultans of Delhi. A few years ago, a similar study was made by Dr. S.P. Sangar on the Mughal period. Indeed, it was his work which prompted me to undertake the present investigation. In the beginning, I was afraid that sufficient material might not be found for writing a thesis, but as my study progressed, I found that my fear was not justified; except in certain cases, my labour was amply rewarded.

I have divided the thesis into twelve chapters, according to the nature of the subjects dealt with. If all the chapters are not uniform in length, it is because our authorities have been generous in some respects and niggardly in other.

The thesis has been prepared mainly on the strength of information supplied by the contemporary and near-contemporary sources. At the same time, secondary and modern works, relevant to our purpose, have been freely consulted and referred to. In our investigation, every conscious effort has been made to be as detached as was humanly

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possible on my part, while discussing matters of controversial nature.

Whenever Ibid has been used in the footnote in this thesis, it always refers to the first work mentioned in the earlier footnote, in case more than one authority are cited there.

It has taken me nearly four years to complete my study on "Crime and Punishment under the Sultans of Delhi." During these years my supervisor, Dr. Md. Quamruddin, in spite of his poor health, has always been kindly and readily available for consultations and advice. I owe him a deep debt of gratitude for all the trouble he has taken on my account.

In the end, I pray to the All-mighty and All-gracious God that He may accept my humble labour and reward me from His unlimited bounty. Amen!

Madhusudan Bandyopadhyay

.Friday,

27 August 1976.



ABBREVIATIONS

- Afif Tarikh-i-Firoz Shahi by Shams Sifaj Afif.
- Aziz Ahmad The Early Turkish Empire of Delhi.
- Barani Tarikh-i-Firoz Shahi by Ziyauddin Barani.
- Briggs History of the Rise of the Mohamedan
Power in India.
- CHI .:..... The Cambridge History of India.
- Elliot & Dowson.. History of India as told by its own
Historians.
- Fuller & Khallaque...The Reign of Alauddin Khilji (trans-
lated from Ziyauddin Barani's Tarikh-
i-Firoz Shahi).
- Habib & Nizami... A Comprehensive History of India, Vol.V
(1206-1526).
- Habibullah..... The Foundation of Muslim Rule in India.

- Lal History of the Khaljis.
- Makhzan Niamatullah's History of the Afghans,
Part-1 (Eng. Trans).
- Qureshi The Administration of the Sultanate
of Delhi.
- Raverty Tabaqat-i-Nasiri (Eng. Trans.)
- Rehla The Rehla of Ibn Battuta (Eng. Trans.
Mahdi Husain).
- Srivastava The Sultanate of Delhi.

INTRODUCTION

When in the year 610 A.D. the Islamic movement was first started in the town of Mecca, there were current several methods of administering justice in the country, which were reformed, modified, or adopted by the Muslims. The first was a revival of the old Meccan order of chivalry of the Jurhumite time, Hilf-al-Fuzul, the "Oath for voluntary Justice." The chivalrous volunteers of this order aimed at siding with the oppressed in the city of Mecca and not taking rest until the oppressor rendered justice to the oppressed.

There were three regular methods of obtaining ^{justice} in pre-Islamic Arabia. One of them was the local tribunal. When the parties to a dispute could not amicably settle their claims, the matter was referred to the council of the tribal elders. After hearing both the parties, the tribunal used to pronounce a summary verdict against which there was ordinarily no appeal. When the decision was executed with the help of the commoners, the crime was technically buried, and it was no more permissible for the litigants to reopen the case on the same grounds

of complaint.

If the case was too complicated to be brought before the elders of the locality, some sooth-sayer of entire tribal fame was approached to decide between the parties. When both the parties to the dispute put their case before him, he would deliver his judgement and the parties bowed to it.

The last and the most important institution was that of arbitration. The chieftains of the tribe of Tamim served for generations as arbiters for the whole of Arabia. The arbiter, who usually attended the annual fairs, such as that of Ukaz, heard during the months of the Truce of God, all kinds of civil and criminal cases and decided them summarily. The moral support, which the whole fair gave to the arbiter, served as sanction for such arbitral awards.

When Islam as a State was established with the arrival of the Prophet at Madinah in 622 A.D., the Prophet himself was the head of the State and his companions formed the council of advisers. It was from among them that he selected and sent officers to the different provinces of Arabia for the purpose of teaching

the people the duties of Islam, administering justice and collecting the tithes or zakat.

The expansion of Islam is one of the most significant events of world history. Within a century of the Prophet's death, the banner of Islam was floating on the confines of India on the one side, and the shores of the Atlantic on the other. Two of the greatest empires of the middle ages-----the Byzantine and the Sassanid-----were shaken to their foundations. The explanation for this success is to be found in the revolutionary import of the principles of the new social order which Islam preached and strove to establish.

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The Prophet began his teachings with two revolutionary concepts-----unity of God¹ and unity of human origin.² The principle of human equality, which naturally follows from the principle of the unity of human origin, revolutionised social relations. It contrasted sharply with the laws governing the class-ridden societies of the Roman, Byzantine and Persian Empires. Islam took the most effective steps towards the elimination of all discriminations in human society and pronounced in unambiguous terms the equality of men before law.

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1. Monotheism was not something new to be preached by Muhammad. All previous prophets had preached it, but no religion had ever preached monotheism in such clear terms as Islam did.
 2. "O mankind! We created
 You from a single(pair)
 Of a male and a female,
 And made you into
 Nations and tribes, that
 Ye may know each other
 Not that ye may despise
 Each other. Verily
 The most honoured of you
 In the sight of God
 is (he^{who} is) the most
 Righteous of you."-----The Quran, 49:13.

To fully grasp and appreciate the role of Islam in the medieval world, one has to make a comparative study of the Islamic Shariat with reference to the legal and social set-up of the two great Empires of the middle ages----- the Roman and the Sassanid. The Roman Law "was, with more or less modifications from local customs and ecclesiastical authority, the only system of law throughout the Middle Ages¹." A comparison of the Muslim Shariat with the Roman law, therefore, means a comparative study of Muslim Shariat with reference to the law of the middle ages as a whole. Comparison with the Sassanid legal system will reveal the causes of the success of Islam in Persia and Central Asia-----lands where most of the social and political institutions of medieval India originated and developed.

According to the legal system of Rome, people were grouped into a number of classes, each distinguished from the other by the status assigned to it by law. On the one hand, there were the free born citizens of full age and complete capacity, who enjoyed the widest rights;

1. The Cambridge Medieval History, Vol. 11, p. 53.

on the other hand, there were the slaves who were deprived of all claims to the enjoyment of legal rights in the society.¹

The Sassanids divided the entire society into the (i) theologians, (ii) warriors, (iii) government officers and (iv) common people-----including peasants, artisans and traders.²

This division of society was permanent and rigid. No one could cross over from one class to the other. The law was made to perpetuate this distinction in society and the privileges of the first three classes were jealously protected and guaranteed by the State. It was not possible for a person born in a low family---however gifted he might be,-----to get employment in any of the departments of the government.³ No one could follow a profession except that of his ancestors,⁴ and no one could aspire for a rank higher than that in which he was born.⁵

1. Roman Private Law, R.W. Leage, p.49.

2. L'Iran Sous Les Sassanides, A. Christensen; Urdu translation by Dr. Muhammad Iqbal, Anjuman Taraqqi-i-Urdu, Delhi, 1941, p.126.

3. Ibid., p.422.

4. Ibid., p. 22.

5. Ibid., pp.418-19.

The law of Islam did away with all these discriminations and rendered all distinctions between man and man invalid.¹

The Roman and Sassanid laws were essentially laws of discriminations. Both in the civil and the criminal spheres, distinctions were made between different sections of the population on various grounds. In the Roman criminal law, punishments were not uniform for all persons. Justinian's Digest recognised three classes of persons---- honestiores, humiliores and servi. The honestiores class, which comprised Senators, their descendants, knights, soldiers etc., was not ordinarily liable to the penalty of death, nor could it be condemned to the mines or compulsory labour. The humiliores were punished for grave offences by death, but more frequently the punishment given to them was condemnations to the mines and public beating. The third class comprised slaves who were punished for crimes of a serious nature by beheading, burning or exposure to wild beasts; for lesser crimes they were flogged and

1. The Quran, 49:13.

compelled to work in the mines. Laws of Constantine and Arcadius, retained by Justinian, directed that any servant (*familiaris*) or slave bringing an accusation against his master should at once be put to death without any inquiry into the case or production of witnesses.¹

The Sassanid law also made discriminations on grounds of birth, property, religion and sex. The entire Sassanid legal system was designed to protect and maintain the distinctions in society based on considerations of birth and property.²

The peasants had no protection whatsoever in the Sassanid law.³ The State did not take any notice of their misery. They were subjected to forced labour. Punishments were severe and indiscriminate. Sometimes a whole family was executed for one man's crime.⁴

1. The Cambridge Medieval History, Vol-11, p.103.

2. L'Iran Sous Les Sassanides, A.Christensen; Urdu translation by Dr. Muhammad Iqbal, Anjuman Taraqqi-i-Urdu, Delhi, 1941, p.444.

3. Ibid., p.424.

4. Ibid., p.402.

In a world thus torn by almost insuperable barriers of caste, colour, birth and creed, the Shariat of Islam sought to create a classless society. The Shariat recognises no distinction artificially created by birth, status, education, wealth, race or nationality. The criminal law of Islam makes no distinction between man and man, not even on religious grounds. The Caliph Ali is reported to have declared : "The blood of the zimmī is like the blood of the Muslims¹." Umar, the Great, (Second Caliph), instructed his governors, "Treat all men justly and on equal footing when they appear before you in the court²."

When Syria was conquered in 635 A.D., Umar, the Great, himself went to Jerusalem to receive the key to the holy city. The chief of Islam and the head of the Christians entered the sacred city together, conversing on its antiquities. Umar declined to perform his devotions in the Church of the Resurrection, in which he found himself at the hour of prayer, but prayed on the steps of the church

1. The Spirit of Islam, p.268.

2. Al-Faruq, Vol-II, trans, p.67.

of Constantine; "for", said he to the Patriarch," had I done so, the Muslims in future age might have infringed the treaty under colour of imitating my example." This high sense of justice, Umar had learnt from the Quran which lays great emphasis on it. Says the Quran," When you decide between people, give your decision with justice.¹" "We have not created the heavens and the earth, and whatever is contained between them, otherwise than in justice."² "Fulfil the commands of thy Lord with truth and justice."

The tendency of the rulers and principles of Islam is towards democracy with a strong tinge of socialism. All men, rich and poor, are equal in the sight of God, and the rulers are only His lieutenants to protect them from anarchy.

During the early days of Islam only a few upright men were appointed judges and were known both as Hakam and Qazi. In those days most of the disputes were settled by the parties themselves, and the Qazis did not have

1. The Quran,

2. op cit., 15:55.

much work to do. So they were given a lot of other duties also to perform. Many of them administered the properties of orphans and the insane and also the endowments.

Umar laid down that the Qazi should treat all the parties equally¹; that the burden of proof lay on the

1. His insistence on this point may be judged from the following instance^s: Once he had a dispute with Ubayy bin Kab who lodged a suit against the Caliph in the court of Zaid bin Sabit. Umar appeared as a defendant. Zaid showed him honour. "This is your first injustice," said Umar who then sat down alongside of Ubayy^{Ubayy} had no proof, and Umar denied the plaint. According to usage, the plaintiff desired that Umar should take an oath. In view of the defendant's position, as ^Commander of the Faithful, Zaid requested Ubayy to waive his right of oath. Umar was annoyed at this partiality and, addressing Zaid, said, "If Umar and any other man are not equal in your eyes, you are not fit for the post of a judge." Alfaruq, Vol-II, trans., p.73.

plaintiff or the complainant; that the defendant or accused should swear in the absence of evidence; that *under* all circumstances the parties could compromise; that the judge could review his own judgement; that the date of hearing should be fixed in advance; that, in the absence of the defendant, the case could be decided ex-parte, and that every Muslim was qualified to give evidence, provided that he had not undergone any punishment previously, and provided also that his false-testimony had not been already proved.¹

The Qazis were appointed by the Caliph and were independent of the governors. It was the duty of the local governors and officials to help the Qazi in maintaining the dignity of the land and to cooperate with him in bringing wrong-doers to their senses. Umar was also the first ruler in Islam to fix salaries for the judges and to make their offices distinct from those of executive officers.²

Towards the end of his administration, Umar began

1. Al-Faruq, Vol-II, trans., pp.67-68.

2. Ibid, pp.71-72; History of the Saracens, p.62.

to nominate subordinate officers also, such as the Arif and others. Breach of discipline and cowardice in the fields were punished by pillory and tearing off the turban from the culprit's head-----punishments regarded so degrading in those days as to be completely efficacious. Impropropriety of conduct was strictly prohibited, and drunken^{en}_{AA}ness was punished by eighty stripes^I₂.

The Diwan-i-Mazalim, as an organised institution, dates back to the time of Ali. The Abbasids either themselves gave audience or instructed their wazirs to do so. The courts of Mazalim heard complaints against officials.

The cases arising out of disputes between non-Muslim subjects were decided in the ordinary courts; only the decision was based on customary law. Cases between Muslims and non-Muslims were decided according to principles of equity.

By the time the Muslims established their rule in India in 1206 A.D., the Islamic jurisprudence had taken

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2). Al-Faruq, Vol-II, trans, pp.214-15.

a final shape at the hands of the Abbasids at Baghdad. The Islamic law of justice had been codified and precedence established at Baghdad. The task of administering justice was made easy to the Sultans of Delhi at least to the extent that standard works on jurisprudence had already been compiled and were available for ready reference.

The judicial system of the Sultans of Delhi had the following chief features:

1. Their institutions bore a close resemblanceⁿ to those of the Abbasid Caliphs.
2. The Shara law and the decrees of the courts were, in general, respected by the rulers as was the practice during the Abbasid rule in Baghdad.¹
3. Special officers were appointed to prosecute people who were living an immoral and thus, according to Shara, an illegal mode of life.
4. The village Panchayats were not disturbed.
5. Most of the Sultans kept a watchful eye on their judiciary to make it function honestly and efficiently. Newswriters were asked to send regular news about the daily work done by the officers to the Sultans.

1. History of the Saracens, p.62.

CHAPTER - ITHE SULTANS AS DISPENSERS OF JUSTICE

While administering justice, all the able Sultans of Delhi considered it part of their duty to dispense impartial justice to all, irrespective of status, caste or creed. In fact, this practice made them popular among the people and strengthened their rule. No government in the middle ages could succeed completely in wiping out corruption and injustice, but the Sultanate provided a well-organised department of justice; by taking all proceedings public and dividing responsibility and power among different officials, it established an effective system of checks and balances.

Qutbuddin Aibak, the founder of the Muslim rule in India, was a monarch of lofty courage and pure faith. Famous for his generosity, he was a justice-loving monarch. He was worthy of the kingdom and most suitable to the throne of Delhi. "During his reign of peace and tranquillity", says the author of the *Tajul Masir*, "treasury required no guard, the flock needed no shepherd, so much so that the wolf and ~~and~~ sheep drank water side by side out of the same pond, The very mention~~ed~~ of thieves and theft was out of question¹." "He established justice and equity with such strict foundation", says the author of the *Tarikh-i-Fakhruddin Mubarak Shah*, "that in spite of the large number of troops gathered round his banner---consisting of Turks, Ghurids, Khurasanians, Khaljis and Hindustanis---no one dared to take by force a blade of grass, or a morsel of bread, a goat from the fold or a bird from the sown or to lodge with a peasant?"

1. *Tajul Masir*, f151a.

2. *Tarikh-i-Fakhruddin Mubarak Shah*, p.33.

In short, he possessed all the excellent qualities and virtues, requisite for a king of those days, but lacked in outward comeliness. He accomplished through severity and beneficence---his two great weapons---what others achieved by tact and diplomacy. The terror of his punishment and the hope of his bounty brought his deadliest enemies to his side and largely contributed to the establishment of a strong and stable government!

The next ruler, Iltutmish(1211-36), was a brave and successful general. Courage, sagacity, moderation and foresight were among his notable qualities. He was an able and successful administrator. He appreciated merit in learned men, and was himself a well-read person. He was a pious Muslim, regular in the observance of the five daily prayers and all other rites of his religion. Though highly religious, he was free from dogmatism and fanaticism. He was in the words of Minhaj Siraj, a "just and munificent Sultan, upright, beneficent, a zealous and steadfast warrior against the infidels, the patronizer of the learned, the disposer of justice²....He was handsome, intelligent and of excellent disposition and manners. Never was a sovereign so virtuous, kind-hearted and reverent towards the learned and the divine who sat upon the throne³" Ibn Battuta refers to him in these words, "Among his memorable deeds was the fact that he exerted himself in redressing grievances and ~~and~~ in rendering justice to the oppressed. He ordered that everyone who was oppressed should wear a dyed garment, while all the inhabitants of India wear white clothes. Whenever the Sultan held a court of justice and whenever he marched on horseback, as soon as his eyes fell on a person wearing a dyed garment he forthwith looked into his case and obtained justice from the person who had oppressed him.

1. Elliot & Dowson, Vol-II, pp.298-299.

2-3. Raverty, Vol-1, p. 597-99.

"But he was not content with this. He said to himself, 'Some persons might be oppressed in the course of the night and the oppressed might desire immediate redress of their grievances.' So he set up two marble statues of lions on two towers at the gate of his palace, and round their necks were two iron chains with a huge bell. The oppressed person would shake the bell in the night and the Sultan hearing the sound would instantly look into his case and administer justice!"¹

The next sovereign, who came to the throne of Delhi and succeeded Sultan Ruknuddin Firoz Shah, was Sultan Razia(1236-40), the daughter of the late Sultan Shamsuddin Iltutmish. She was decidedly one of the "great monarchs" of the "Early Turkish Empire of Delhi." She "was a great sovereign, and sagacious, just, beneficent, the patron of the learned, a dispenser of justice, the cherisher of her subjects, and of warlike talent, and was endowed with all the admirable attributes and qualifications necessary for Kings?"²

The next ruler of importance, after Razia, was Sultan Nasiruddin Mahmud(1246-66). He ruled over Delhi for twenty years ably, supported by his regent, Ulugh Khan, who later on ascended the throne of Delhi under the title of Ghiyasuddin Balban. Nasiruddin Mahmud possessed humility, purity, gentleness, piety, faith abstinence, clemency, beneficence, impartiality, forbearance, rigour, manliness and regard for the ecclesiastics and men of letters? A model of all virtues, he was endowed with a supreme gift of sympathy and tenderness and renowned for justice and clemency. His personal character was reflected in the general administration of the Delhi Sultanate.⁴

1. Tehla, p.33.

2. Raverty, Vol-1, p.637.

3. Ibid., p.674

4. Elliot & Dowson, Vol-II, p.346.

Balban, who succeeded to the throne of Delhi, after the death of Sultan Nasiruddin Mahmud, was very serious about establishing justice in his kingdom. In his efforts to secure justice he appointed confidential spies in all parts of his Sultanate. In order that they might discharge their duties with efficiency and honesty, he did not give them too large a field of observation. He never failed to attend to what came to his knowledge through his spies, and had no respect for persons in administering justice. These spies were greatly feared by the nobles and officials, and neither they nor their sons or dependents dared to distress any innocent person.¹ The Sultan was extremely stern in the enforcement of justice. He was quite different from other kings in anger, kindness, indignation, mildness, excitement and affection. Even in delicate situation he inflicted severe punishments upon the fearless and disobedient persons, while he was always kind and sympathetic in the case of obedient, submissive and fearful people. In matters of justice, he showed no favour or partiality towards relatives, confidants, and trustworthy persons. Balban was ruthless in his punishments of all rebels and disturbers of public peace, Muslim or non Muslim. He never stopped to consider whether his actions were sanctioned or prohibited by the Shariat; he ruthlessly killed, flogged and imprisoned people for what he considered to be the welfare of the kingdom. Many descendants of Sultan Iltutmish were publicly beheaded. He gave an order of the execution of Malik Barbaq, Sar-i-Jandar (commander of the royal troops at the centre), who had killed his personal servant in a fit of intoxication, and his corpse was hung at the Badaun Gate. On another occasion, he inflicted five hundred lashes upon Malik Haibat Khan, the governor of Awadh, for having beaten a person to death².

1. Elliot & Dowson, Vol-III, pp. 99-101.

2. Elliot & Dowson, Vol-III, pp. 99-101, 143; Aziz Ahmad, p. 261.

Sultan Jalaluddin, the founder of the Khalji dynasty, was essentially a just, generous and kind-hearted ruler! Both his age and his temperament were responsible for his extreme gentleness. The only punishment he could inflict upon robbers was to send them to some distant place. He was incapable of harbouring any ill-will. This is apparent from the following two instances:-

1. Two persons, Sirajuddin Sawi and Manda Ahir, had given him some cause of resentment during his Khanship. They began to despair of their lives when they heard he had become king. They came to the King, their heads hanging low, their faces all repentance. To the utter surprise of everybody present, the Sultan not only pardoned them for their misconduct in the past, but also rewarded them profusely?

2. In the second year of his reign, Malik Chajju, a nephew of the late Sultan Ghiyasuddin Balban, assumed independence in his government of Kara. Sultan Jalaluddin despatched his son, Arquli Khan, who defeated the insurgents in an obstinate fight and took a number of eminent Amirs as prisoners. They were placed on camels with boughs of trees hung round their necks, and in that condition he sent them to his father. As soon as the Sultan saw them, he ordered them to be unbound, to have a change of linen given them and an entertainment to be provided. The Sultan spoke kindly to them and consoled them by telling them that, in drawing their swords to support the heir of their old benefactor, they had taken an honest rather than a dishonest course?

1. Ibid., p. 136.

2. Ibid., p. 143: Lal, p. 21.

3. Ibid., pp. 138-39; Tabaqat-i-Akbari (trans.), Vol-1, pp. 134-36; CMI., Vol-III, pp. 92-93.

Alauddin Khalji, who captured the throne of Delhi by murdering his uncle, Sultan Jalaluddin, was a sovereign of very strong will and inexhaustible energy. He possessed the qualities of a born military leader and civil administrator, and kept his vast possessions under his firm control as long as he lived. In organising his civil administration, he displayed great originality and mental vigour. He did not content himself with administering the institutions that came to him as an inheritance from his predecessors; he took steps to reform them, and even brought new institutions into existence for the benefit of his Sultanate.¹

Alauddin Khalji ruled with a strong hand and exercised personal supervision over the conduct of his officials. No one was allowed to take a pice from the cultivators, and fraudulent practices were strongly put down. The Sultan was himself illiterate, but extended his patronage to the learned and pious, and granted stipends and lands for their maintenance.

Like Balban, Sultan Alauddin believed in the majesty of the monarch and in his being God's representative on earth. He had the firm conviction that greater wisdom was given to the monarch than to any other human being, and that his will should be the law. It was this belief in his being endowed with special wisdom that persuaded him to oppose the interference of the Ulama in matter of State. His political theory is clearly set forth in the words which he addressed to Qazi Mughisuddin, whom he consulted about the legal position of the sovereign's power in the State. He upheld the royal prerogative of punishment and justified the mutilation of dishonest and corrupt officers, though the Qazi declared it contrary to canon law. The Sultan's reply to Qazi Mughisuddin was as follows:"

1. To him, for example, belongs the credit of being the first Turkish ruler in the land ~~and~~ to reform the revenue rules and regulations and to introduce a system of measurement as a preliminary to fixing the State demand of the produce of the soil. He was, again, the first to revolutionise the conservative branch of revenue administration by his successful policy of putting an end to the privileges of the hereditary revenue officers and assignees of land. His successful control of the market and the tariff system had no parallel before or after him throughout the medieval period of India's history

To prevent rebellion in which thousands perish, I issue such orders as I conceive to be for the good of the State, and the benefit of the people. Men are heedless, disrespectful, and disobey my command; I am then compelled to be severe to bring them into obedience. I do not know whether this is lawful or unlawful; whatever I think to be for the good of the State or suitable for emergency, that I decree, and as for what may happen to me on the approaching day of judgement that I know not.¹"

As will be evident from the above narrative, Alauddin had no regard for kingship, and inflicted punishment without distinction and mercy on the guilty. The rigour of his punishments had its due effect; "robbery and theft, formerly so common, were not heard of in the land. The traveller slept secure on the highway and the merchant carried his commodities with safety from the Sea of Bengal to the mountains of Kabul and from Telengana to Kashmir."²

Sultan Ghiyasuddin, the founder of the Tughluq dynasty, based his administration upon the principle of justice and moderation, and, in the enforcement of his regulations, he was guided by his desire to advance the public weal. Himself a devout and God-fearing Muslim, he acted in dealing with his subjects with due regard for human failings and abstained from every kind of excesses/. He put down disorder with a high hand, but he was never wantonly unjust and cruel. He enacted a code of laws in conformity with the dictates of the Quran, which constituted the basis of his civil and judicial administration. He was a model of justice and goodness, and was highly considerate in his treatment to others. He had a lofty idea of the duty of kingship and incessantly laboured to promote the welfare of his subjects and scrupulously eschewed everything that was likely to injure their interests. He extended his protection to all;

1. Fuller & Khallaque, pp. 89-90; Elliot & Dowson, Vol-111, p. 188

2. Fuller & Khallaque, pp. 147-48; Elliot & Dowson, Vol-111, p. 206.

his watchword was moderation, and, in all that he did, he kept in his mind this golden rule and never acted contrary to justice. The contemporary historian dwells enthusiastically upon the justice and equity of his reign, and says that as long as he ruled, "the wolf dared not seize upon the lamb and the lion and the deer drank at one stream."¹

The next ruler of the dynasty, Muhammad Bin Tughluq, though merciless in punishing wrong-doers, enjoyed a reputation for his love of justice.² Unbiased contemporary writers are unanimous in praising his love of justice and impartiality. Ibn Battuta says that the Sultan held a special darbar for administering justice.³ The Qazi, who presided over the department of justice was treated with great regard.⁴ The arm of the law was strong enough to reach the most powerful dignitary of the empire. The Sultan cared nothing for the Shaikhs and the Ulama; he rejected the doctrine of the inviolability of the sacerdotal order and severely punished its members, if they were found guilty of any wrong.⁵ Justice had so far been a monopoly of the theologians, but Muhammad bin Tughluq

1. Elliot & Dowson, Vol-III, pp. 229-30; Qureshi, p. 215.
2. Ibn Battuta has recorded the following cases to show the Sultan's love of justice: (a) Once a Hindu filed a suit against the Emperor to the effect that he had killed his brother without any cause, and had him summoned before the Qazi. The Emperor walked on foot unarmed to the Qazi's court, where he saluted and bowed. The Qazi gave his verdict against him, ordering him to compensate the complainant for the blood of his brother. The Emperor gave him satisfaction. Rehla, p. 83. (b) Once a Muslim filed a suit against the Sultan, making certain monetary claims. The case was taken to and tried by the Qazi, who gave his judgement against the Sultan, requiring him to pay the plaintiff the desired sum of money, which he paid. Ibid., p. 83. (c) A boy from among the sons of the Maliks brought a suit against the King, complaining that the King had struck him without cause, and had him summoned before the Qazi. The Qazi pronounced a sentence against the Sultan, ordering him to indemnify the plaintiff by payment of cash if accepted; otherwise he must let the plaintiff beat him in return. The boy refusing to accept money, the Sultan gave him a cane saying, "I call upon you by my head, you must strike me just as I struck you." The boy took hold of the stick and struck the Emperor twenty-one strokes, so that his cap flew off. Ibid., p. 83.
3. Rehla, pp. 56, 83
4. Ibid., p. 83
5. Ibid., p. 85

deprived them of this monopoly and constituted himself into the Supreme Court of Appeal. Ibn Battuta and Shihabuddin both testify to the Sultan's desire to administer equal justice to all classes of his subjects, and the former gives a detailed account of the manner in which the Sultan suppressed privilege. The Sultan was easily accessible even to the meanest of his subjects, who wanted to appeal to him for justice. Ibn Batuta writes that twice a week i.e., on Monday and Thursday, the Sultan held his court of justice in the Hall of Audience, when only four Amirs were allowed to be present near him. These were Amir-i-Hajib, Khas Hajib, Sayyid-al-Hujjab and Sharaf-al-Hujjab. The Sultan knew that the aggrieved persons would find it difficult to obtain access to him and, therefore, he posted four Amirs at the four gates and ordered them to record the complaints of the public. If a complainant could not get his complaint recorded at the first gate, he went to the Amir at the second gate and if he failed there also, then to the third and lastly to the fourth, (if the former refused to admit his complaint) In case the last refused, the complaint was permitted to go to the Sadr-i-Jahan and, failing him, he could approach the Sultan. A great many men must have been denied justice in this system of checks and counter checks, but it illustrates the Sultan's solicitude for justice and his readiness to redress grievances. The Sultan used to examine all those records in the evening, and if any case in which an officer refused to do his duty was brought to his notice, he strongly reprimanded him.¹

It was publicly announced, "If anybody has a complaint, a grievance, he should come forward." When somebody came or stood in front of the Sultan, he was neither beaten nor prevented from explaining his complaint. He explained it with full freedom, and the Sultan declared his judgement about it.³

1. Rehla, p.84

2. A 14th Century Arab Account of India under Muhammad bin Tughluq, p.54.

3. Ibid., p.55.

On his accession, Firoz Shah is said to have offered prayer saying, "O Lord! the stability of states, the peace, regulation and occupations of governments do not depend upon man. Permanence of dominion depends upon Thy behest. O God! Thou art my refuge and my strength."¹

In every moment of his life, the Sultan feared to take drastic steps lest he should have to answer for them to God on the day of the last judgement. Unlike Balban, Alauddin Khalji or Muhammad bin Tughluq, Firoz Shah did not make any attempt at striking terror among the people by the use of brutal force. He, on the other hand, wanted to be loved by the people and remove all fears from their minds. This liberal policy expressed itself in these words: "Don't strive to shed the blood of men because life does not return once it passes away."²

The offenders were generally used to be forgiven by him. His liberalism was especially tested when he forgave a large number of miscreants who made attempts on his life. When Khawaja Jahan Ayaz was presented before him and his courtiers insisted that he should be severely dealt with, he remarked: "It was a high duty of kings to overlook any irregular acts of thier officers."³

Although liberalism was the keynote of the idealism of of Firoz Shah, yet it was not completely free from strictness. Circumstantial evidence leads us to the conclusion that at times the Sultan became very severe upon the offenders, e.g., the punishment that he inflicted upon Khusrau Malik,⁴ Davar Malik,⁵ Khudavandzada⁶ and Shamsuddin Aburiza.⁷ Above all, the Sultan never showed any kindness towards the murderers or the robbers.

1. Elliot & Dowson, Vol-III, p.277.

2. Futuhat-i-Firoz Shahi, (Islamic Culture), Vol. 15, 1941, p.451.

3. Elliot & Dowson, Vol-III, p.285.

4,5,6, . Afif, pp.104-5., Elliot & Dowson, Vol-III, pp.290-92.

7. Ibid., pp.474-92.

But as a whole, the judicial system of Firoz Shah was characterised by the spirit of mercy and benevolence which won for him a great popularity among the masses; the nobility and the Ulama, who were tired of the severities of the reign of Muhammad bin Tughluq. Contemporary historians have lavished praises on the new spirit which is especially revealed in the regulation of the Sultan abolishing the brutal punishment like, "mutilation of hands, feet, ear and nose, plucking out of the eyes, pouring molten lead down the throats of the people, hammering the bones of hands and feet to fragments, roasting alive in fire, driving nails into hands, feet and chest, flaying alive, battering with spiked rod, sawing a body into halves and other forms of mutilations.¹" The Sultan himself had witnessed the evil consequences of the brutal punishments inflicted by his predecessor, which had occasioned resentment on the part of the Ulama and the nobility. The Sultan, therefore, did away with all forms of inhuman punishments. He also abolished the Diwan-i-Siyasat or the Court of Correction, which had been established by his predecessor, especially for hardened criminals. All these measures enabled the Sultan to gain sympathy of the Ulama and nobility.

Khizr Khan, the founder of the Sayyid dynasty, possessed the qualities of charity, courage, mercy, benevolence, virtue, abstinence, truth and kindness. He was esteemed a just, a generous and a benevolent prince, for the age in which he lived, on which account his death was much lamented by his subjects; and as a token of their respect for his memory the inhabitants of Delhi, by common consent, wore black for three days.²

1, Habib & Nizami, p.576; Elliot & Dowson, Vol-III, p.375;
Futuh-at-i-Firoz Shahi (Islamic Culture), Vol-15, 1941, p.451.

2. Briggs, Vol.1, p.297.

Khizr Khan's son and successor, Sayyid Mubarak Shah was esteemed a man of good talents and, on most occasions, just and benevolent. His temper was so equal that he never spoke in anger to any person during his life.¹

The last two rulers of the dynasty did not have peace, and were all the time busy suppressing one rebellion after another; they were also weak kings. But there is nothing to indicate that they were partial in matter of dispensing justice.

Bahlul Lodhi, who founded a dynasty of his own on the throne of Delhi in 1451, was a wise, considerate, friendly, humble, just and kind-hearted man. He never turned away a beggar or a poor man from his gate. He was also chivalrous to the fair sex. When Queen Malika-i-Jahan of Sultan Hussain Shah of Jaunpur fell into his hands, he treated her with great courtesy and consideration, and sent her back to her husband under a powerful escort. He was rightly esteemed a virtuous and mild prince, executing justice to the utmost of his knowledge, and treating his courtiers rather as companions than subjects. Though a man of no great literary acquirement himself, he was fond of the company of learned men, whom he regarded according to their merit. He was a wise and brave prince, and personally well-acquainted with Muhammadan Law. He also studied the best institutes for maintaining order in his government, which he invariably adopted. He was prudent and, above all things, depreciated hurry in matters of state; and, indeed, his conduct throughout life sufficiently evinced how much he practised this quality.²

Bahlul's son and successor, Sikandar Lodi, was the greatest of the three kings of the dynasty. He never omitted to devote a certain time to hear complaints in public, and he has been frequently known to sit at business the whole day long, even after his appointed time for meals and rest.

1. Ibid., p. 309.

2. Tarikh-i-Daudi, pp. 10-11; Briggs, Vol-1, p. 328; CHL., Vol-111, p. 228.

He took personal interest in the complicated cases brought before the highest tribunal. His judicial system was very efficiently organised under Mian Rhua. Darya Khan Nuhan had to be present at the court from early morning till late in the night to receive petitions and inquire into grievances. He was in the habit of praying regularly five times a day. He was strictly just in his administration, and seldom known to be actuated by princely feelings. His vigorous administration ensured peace and prosperity and guaranteed justice to the common man. All the highways of the empire were safe from bandits and robbers. He was as remarkable for his fear of God as for his benevolence towards his people. One day, while advancing against his brother, Barbik, in the early part of his reign, a Qalandar met him and said, "God send you victory", on which the king said, "Pray that the victory be his who will best promote the good of his subjects." He had numerous pensioners among the holy men of the empire, to whom he sent their stipends twice a year, and a suit of clothes once. He ordered alms and food to be distributed on Friday to all who chose to partake in town or camp wheresoever he might be. He encouraged charity of all descriptions: and did not fail to commend his nobles for any generous acts which reached his ears, and thus promoted a disposition to do good among his public officers, saying, "you had laid a foundation of virtue, you will never repent it."

Ibrahim Lodi, with whose defeat in the battle of Panipat (21 April) 1526, the Sultanate of Delhi came to an end, was a brave and fearless soldier and a fairly successful commander. He seems to have been honest and laborious. From the meagre account of the medieval chronicles it is clear that his private life was good and that he applied himself to the business of the state with zeal. He administered justice as well, as any of his predecessors.⁴

1. Tarikh-i-Daudi, p.44; Habib & Nizami, p.699.

2. Habib & Nizami, p.699; Makhzan, p.XXXV.

3. Briggs, Vol-1, p.343; CHL., Vol-111, p.246.

4. Srivastava, p.250.

CHAPTER II

SOURCES OF ISLAMIC LAW

The Islamic law is generally referred to as ^{fiqh}fiqh, which is defined as the Science of the rights and obligations of man. Although Islam regards the life of this world as purely a transitory stage, yet, unlike many other religions, Islam does not recommend renunciation of the world, but rather enjoying to the full the blessings of temporal life. Indeed, the whole fabric of Muslim law was constructed for guiding the Faithful in regulating their life in this world. Whatever its ultimate object, its temporal and mundane aim is the ability to lead one's life in the fairest possible way.

In order of their importance, the following form the sources of Islamic law:

1. The Quran¹: The Quran is the word of God and, therefore, the basis of Islamic law. It is a collection of Divine Revelations, received by Muhammad through the agency of the angel Gabriel². The Quran was not revealed as a whole, but came down in fragments, as necessity arose, during the prophetic career of Muhammad, which lasted for about twenty-three years. Whenever a portion of the Quran was revealed to him, he used to order one of his companions to take it down. It was also he who prescribed and pointed out the place or places to which the verse or verses properly belonged. The verses of the Quran were not written in the time of the Prophet in book form, but on stray leaves of paper, shoulder blades, date leaves, and other handy material. They were compiled in book form in the time of Usman, the third Caliph.
2. The Sunnah: The second source of Muslim law, in order as well as importance, is the Sunnah or the hadis which comprises what the Prophet said, did, or tolerated. In quantity, the rules of Muslim law, found in the traditions of the Prophet, far surpass those in the Quran. In quality, the

hadis is considered inferior to the Quran, yet this seems to be in view of the difficulty of proving the genuineness of a tradition. Otherwise, the Quran itself has expressly and unequivocally put the word of the Prophet on a par with the Quran on the basis that what the Messenger uttered on behalf of the Sender is taken as the Sender's word.¹

3. The Orthodox Practice: It goes without saying that the precedents of the time of the Orthodox Caliphs may be accepted in addition to the traditions of the Prophet and not against them.

4. Opinion of Jurists: From the very beginning, Muslim writers on jurisprudence have divided opinions into two kinds of unequal importance, the Ijma (consensus) and Qiyas (individual deduction).

ā). Ijma: Literally, it means "agreeing upon". Technically, it means the view held by the majority of the Muslim scholars of law, and is used as a source of elucidation on questions which cannot be decided from the Quran and the Sunnah of the Prophet. Various sayings of the Prophet are cited to bless this consensus of opinion, as for instance: "My people will never be unanimous in error." "The hand of God is over the collectivity, and whoever quits it, is sent to hell." "What Muslims agree to be good is also good in the sight of God."

According to Islamic jurisprudence, whenever unanimity is reached among the Muslim jurists of a time, this consensus has the same validity as a verse of the Quran or the most reliably proved tradition of the Prophet; and whoever denies its authority is to be considered an infidel. The authors, however, agree in theory that a later consensus may abrogate a former.

1. The Quran, 53:3-4, 33:21, 59:7 etc.

In spite of the importance of Ijma, it is strange that no institution of a permanent character was devised to ascertain it. Records abound that the Prophet always consulted his companions in legal as well as political matters. Again, the Caliph, Umar, seems to have found in the pilgrimage to Mecca, an easy and convenient annual institution, to consult the governors of his wide-spread empire, to hold a general and all-empire appeal session of the Supreme Court, to meet deputations from far-off parts of the realm, etc. For a generation or two after the Prophet, it seemed that the ascertainment of the best and most expedient opinion of the country was considered to be a government business. Soon, however, civil wars and schisms ensued, and the rulers contented themselves with the opinions of the official jurisconsults, and general consultation fell in disuse. The consequent result was that private students and scholars cultivated the science, and the question of Ijma became a mere fiction.

b). Qiyas: Judicial opinion of jurists and political scientists has had a very subtle division, according to its nature, in Muslim jurisprudence. Analogy, deduction, equity, judicial decisions, other opinions of individual authorities, as expressed in their books or otherwise known---all have different technical names and different grades of precedence.

5. Practice of Ordinary Muslim Rulers: The task of providing for, by legislation, subjects left out in the above was that of the monarch. By virtue of his office he was the legislator, the defender of the law, as well as the dispenser of justice. The Prophet himself had decided cases, and the Caliphs too heard original suits. The ruler of a Muslim

state was de facto its chief judge. As the chief executive officer of the realm, it was necessary and, indeed, advantageous for him to respect the Law and the decrees of the courts that functioned under his own aegis. He could not destroy or weaken an institution of which he was himself the chief.

As an individual, he had no privileged position though the combination of judicial and executive function in one person inclined some of the Sultans to consider themselves above the Law. There is, however, no evidence that it was the general practice. The Shara did not recognise the theory that the ruler could do no wrong. A monarch could be sued in court and could also sue.

The Muslim ruler possessed the power of muting sentences or what is nowadays called the prerogative of mercy. It was not used by the first four Caliphs of Islam, but was introduced in the 7th Century A.D. by Muawiyah¹. It was exercised in India during the Sultanate and the Mughal rule in practically every kind of case, ranging from theft to murder and dacoity with murder². The ruler also exercised original jurisdiction. In medieval India, it was essential for the kings to try cases personally, for there were powerful nobles who sometimes would submit only to the decrees of the king's court. If the ruler was conscientious and sat punctually, his court was often sought by the people, as his decisions were quick and genuinely impartial, his situation having placed him beyond the limits of fear or of favour.

1. Ameer Ali,

2. It enhanced the personal prestige of the sovereign, and this fact may have influenced the Mughal emperors in their policy of insisting upon death sentences being submitted to them for confirmation, in order that they might have opportunities of commuting them in suitable cases.

As the chief judge, it was the duty of the Sultan to supervise the administration of justice and to appoint judicial officers to assist him in the disposal of cases. He alone had the right to set up courts of judicature. According to Muslim jurists, the responsibility of selecting suitable men as Qazis was very grave. Alauddin Khalji could select only four persons during his reign who could act as judges; other candidates fell short of his standard.¹

The king was also expected himself to have a practical knowledge of Law, as in theory he alone could remove the Qazis from their posts. The Qazis held office during the king's pleasure.

1. Lal, p.233.

FOUR SCHOOLS OF MUSLIM JURISPRUDENCE

1. The Hanafi School- The founder of the Hanafite School of Jurisprudence was Imam Abu Hanifa(699-766). A Persian by birth, he was fully alive to the new demands on religion as a consequence of the expansion of Muslim political power. His chief instruments in establishing his system were opinion and analogy. He started with the Quranic text and developed from it further details. He also insisted upon the right of preference(Istehsan), which necessitated a careful study of actual conditions in legal thinking.

Abu Hanifa did not utilise a hadis (Tradition of the Prophet) in constructing his legal system. Probably the reason for his refrain from making use of the ahadis lay in his conviction that they related to particular conditions of time and space, and could not be indiscriminately applied to the ^{new} ~~se~~ conditions.

Abu Hanifa believed in careful study of the actual conditions and an intelligent application of the Quranic spirit to solve new problems. Consequently, his School is considered as the most tolerant School of Islam, and "it possesses greater power of creative adaptation than any other School of Muhammadan Law.¹" As a system of religious~~judicial~~ thought, Von Kremer considers it to be "the highest and the loftiest achievement of which Islam was capable."²

2. The Maliki School: The founder of the Maliki School, Imam Malik bin Anas(715-95) was born and brought up in Medina. He was a judge and was in practical touch with actual life, but his outlook was narrowed down by his instinctive partiality towards the legal tradition of Hejaz.

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1. Hitti's History of the Arabs, pp.397-98.

2. As cited by Hitti in History of the Arabs, p.398.

Imam Malik did not place much reliance on Qiyas. He was chiefly guided by Sunnah and the Ijma of Medina. His Muwatta (Literally a smoothed path), which is usually taken as primarily a book of Tradition is really a corpus juris. It forms a connecting link between the fiqh literature of earlier days and the hadis collections of later times. The success of Muwatta is due to the fact that it always takes an average view on disputed points.

The Medinite School of Jurisprudence criticised the Iraqi School. The conflict between them was essentially the controversy between the deductive and inductive methods in legal research.

3. The Shafii School: Between the liberal Iraq and the conservative Medina, many Schools rose up. Imam Muhammad bin Idris al-Shafii (767-820), a pupil of Imam Malik and Imam Muhammad (a disciple of Abu Hanifa), acted as an intermediary between independent legal investigation and the traditionism of his time. He founded the science of Usul and perfected the doctrine of Ijma. In his Risalah he investigated the principles and methods of jurisprudence.

4. The Hanbali School: Imam Hanbal (780-855), the founder of the fourth important School, was originally the pupil of Imam Shafii. He strictly adhered to hadis and rejected the attitude of Ahl-ur-Rai and opposed the extension of Ijma and Qiyas. His School represents the attitude of extreme orthodox intransigence.

The Sultan of Delhi followed the Hanafi School in their administrative system. After them, the Mughal Emperors did the same, and even today, the bulk of the Muslims in this country follow and practise the same School of jurisprudence in their personal lives.

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Chapter-IIITHE JUDICIAL SET UP

The Judiciary was presided over by the Qazi-al-Quzzat at the centre and the Provincial ^Chief Qazis at the provincial capitals. The Qazi-al-Quzzat was selected by the Sultan himself, and other Qazis were appointed at his recommendation.

A Qazi had to be an adult male; intelligent and possessing sound discriminating judgement and independence; a free man; a Muslim; and ~~adl~~ ^{adil}; of sound sight and hearing and perfect in the knowledge of the law.

During the Sultanate, selection for the post of Qazi was made from among the Professors of Law. Once appointed, the Qazi was treated with great respect and consideration, and he could punish even the most powerful officers of the empire.¹ The Qazis were expected not to entertain parties or to accept any gift from strangers. There were other similar restrictions and there was also the risk of incurring the ruler's displeasure.² It was no wonder that the office of Qazi was accepted with fear and reluctance in the early days of Islam, when strict obedience to both the letter and the spirit of law was generally enforced.³

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1. Compare Rehla(p.83) for Sultan Muhammad bin Tughluq's humility towards the Qazi while appearing in his court as a defender on three different occasions.
 2. A Qazi had to fear a ruler only when he did not perform his duty honestly.
 3. When Sultan Alauddin Khalji who was very particular about seeing his high judicial officers behave well even in their private life, discovered that one of his Qazis had taken to drinking, he put him to death, Badayuni, Ranking Vol-1, p.187.

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The appointment and the jurisdiction of the Qazis were to be made known to the people so that they should submit to their orders. Temporary appointments and special tribunals also could be created and were similarly gazetted. The powers and functions of the Qazis were wide and their responsibility grave. The order of a Qazi's court had to be obeyed. They could declare a king's order illegal. The people and the king alike turned to the Chief Justice in times of trouble. The Qazis in deciding cases were enjoined to think of God alone.

The law of Shara applied equally to all, and the officers of state were treated like ordinary citizens for personal disputes. Their position as such officers gave them no immunity from the rigour of the Law. Umar, the second Caliph of Islam, allowed his officers no privileges. The Sultans of Delhi followed the same course. The Muslim criminal Law did not favour any distinction between a ruler and his subject.

JURISDICTION: Qazis, to whatever offices appointed, were enjoined to be watchful of their jurisdiction and were not to exceed it. They could try only those cases which were specified in their letter of appointment. The King, the Chief Qazi, the Subadar within the Subah and the Provincial Chief Qazi within his charge alone had inherent jurisdiction in civil and criminal cases.

The Qazis could not decide suits in which they were personally interested, but they could be appointed in their home districts. Emphasis was laid on the trial of cases on the spot, if possible. A Qazi was not debarred from trying a criminal case because he himself was an eyewitness. If a plaintiff resided in the Cantonment area

and defendant in the civil, a Qazi-i-Askar had to be empowered to try that case, or the Qazi of the civil area could settle the dispute without being so empowered.

In the normal course of business there was only one presiding officer in a regularly constituted law court. The letters of appointment issued to the Qazis show their duty of deciding cases without sharing it with anyone. The announcement made was that people should consider him the sole judge of their disputes. The Muftis, the Adls, did not possess Qazis' powers, although the opinion given by the Muftis on a law point could not be ignored by the Qazi and, in a case of difference, reference to a higher court was necessary.

According to Hidayah a decree could not be passed against a defendant unless his representatives^s was present. Evidence could be heard in the absence of an absconding accused, but prosecution witnesses ^ewere to be recalled when he was arrested and his trial commenced.

In offences against religion, Muhtasibs were the prosecutors. In other state prosecutions, the kotwal had this duty or the faujdar in places where there was a faujdar, but no kotwal. Shiqdars also could report to the Qazis for cognisance of cases in parganahs.

Courts were not debarred from making extra-judicial enquiries whether direct or through an agent. Such enquiries were encouraged by some kings. The practice seems to have been started by the Abbasids and was followed by the Sultans of Delhi.

Judgement was pronounced in open court unless the accused, in a criminal proceeding, was considered so dangerously influential that a public trial was against the interests of the state. The courts were enjoined to write their judgements carefully "so that the learned men might not pick holes in them" and "bring the court into shame."

According to *Fiqah-i-Firoz Shahi*, the parties to a criminal case could compromise only if the accused was under the custody of the court, lest a compromise should be exacted from him under pressure. For the same reason no weight was given to confession made to the police.

A convict sentenced to imprisonment was handed over to the custody of the kotwal who was responsible for seeing that the sentence was carried out in the jail of which he was in charge. Fines imposed in *Tazir* cases were also realised by the police under the command of the kotwal or the shiqdar.

In the matter of the execution of death sentences, "executioners" were appointed by the state during the Sultanate regime to behead the condemned prisoners or to flay them alive, as was ordered sometimes in the time of Muhammad bin Tughluq.

The King and the Subahdars within their respective provinces had power to commute or remit sentences.

The system of obtaining redress from a higher court existed. If any individual, dissatisfied with the decision of the District Qazi passed in his case, appealed to the Governor or the Qazi of the Subah, the matter was revived and judgement awarded with great care, "lest it should be mentioned in the presence of the king that justice had not been done."

Review of Judgement: In theory a Qazi had unlimited power to review his order. If it was against the Sacred Law, it was invalid in any case. According to Hidaya, a judgement could be reviewed only when there was a patent illegality and it was against the Quran. A Qazi could review his predecessor's judgement.

Rules of Evidence: The Muslim Law of Evidence is given in Fiqah-i-Firuz Shahi, the codes that regulated procedure in Indian courts. The Hanafi Law, which was practised in India, classified evidence in the following order of merit:

1. Tawātur---full corroboration:
2. Ahād-----testimony of a single individual;
3. Iqrār-----admission, including confession.

The Muslim jurists have unanimously preferred tawatur to any other kind of evidence. The insistence on corroboration is probably based on an injunction in the Quran, "O believers, shrink not the duty of giving evidence that is true for the sake of justice."

Women could be competent witnessess, but two women were required to corroborate a fact for which the testimony of one man was sufficient. In cases where women possessed special knowledge, the testimony of one woman was relevant.

Direct evidence was preferable to hearsay, which, however, was not altogether excluded. It was admitted somewhat freely in cases before the faujdar, where the accused persons' previous records and their likelihood to disturb the peace were in question. The court could take judicial notice of facts too well-known to require proof. For a conviction of

theft the evidence had to be specially convincing. This was probably due to the fact that the punishment for theft was cutting off the offender's hand.

Circumstantial evidence could be accepted, if it was of a ^econ~~cl~~usive nature.

Decrees could be given on admission, provided it was unconditional. The admission of one co-accused was not, however, conclusive against the other co-accused. A confession made under threat or inducement was inadmissible.

In criminal cases witnesses must be produced within one month of the ^ufil~~ing~~ of the complaint. Long adjournments, unless unavoidable, were not favoured. The court had to ^vgi~~ve~~ its decision on the evidence which had been put before it and not wait indefinitely for further evidence.

Courts had to see that the identification of the accused by witnesses was exact and explicit. Where witnesses differed, the accused was entitled to the benefit of doubt.

Oath: Oaths were administered to witnesses. The Muslims said "by God", and the Hindus swore on the cow.

According to Muslim Law, public wrongs are divided into (i) misdemean^uors, (ii) theft, (iii) homicide and mayhem, (iv) adultery, (v) highway robbery, (vi) rebellion, (vii) apostasy. We shall discuss each of them separately in the following chapters.

Chapter-IV
MISDEMEANOURS

All acts which are offensive, either in word or deed, are deserving of punishment, but as the specification of such acts, and of the penalty which ought to be incurred by each of them, is impossible, the law has only enacted specific provisions for offences of the greatest importance, and has entrusted the correction of all culpable acts to the discretion either of individuals or of the magistrates; for a father may chastise his child, a husband his wife, and a master his slave; and it is even held by some jurists, that any Muslim, when he observes another committing an improper act, may correct him. But in the last case the most accepted opinion is, that punishment, of whatever degree it may be, can be inflicted by the magistrate alone. A complaint must, therefore, be made to the Qazi, which, unless he has himself been an eyewitness of the circumstance, must be duly proved by evidence. In the Hidayah no particular instances are given of the offences which are subject to discretionary punishment, because it depends entirely on the Qazi to determine whether the act complained of is of that nature or not. If he decides that it is, he may direct the offender to be whipped or imprisoned, or both. In the first case, the number of stripes is not to exceed thirty-nine, nor be less than three; and it is laid down, that as the

number is so small, no levity is to be observed in inflicting them. The term of imprisonment is left to the discretion of the Qazi; but it would seem to be the general opinion that it ought not to exceed two or three months.

There are, at the same time, three misdemeanours for which the law has prescribed a specific punishment, namely drinking wine, fornication and kaz or falsely accusing a woman of adultery. *Qazi*

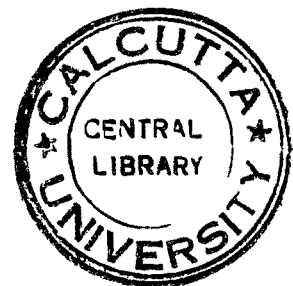
With regard to the first: if a Muslim drink intoxicating liquors, and be brought before the Qazi either when he is intoxicated, or when his breath retains the smell of the wine; or if his drinking it be proved by his own confession, or by the evidence of two witnesses, the Qazi shall order him to be punished with eighty stripes!

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1. In the Hidayah it is laid down that the stripes ordered by the Qazi shall, on all occasions, be inflicted with a whip (or rod) without knots; that a man shall receive them standing, and naked to the waist, and a woman sitting, and her outer garment only taken off. They must be inflicted moderately, neither with too much severity nor too much levity; and if the offenders be sick, intoxicated, or pregnant, the punishment must be delayed until their recovery.

Every unlawful connection between a free man and a free woman that does not amount to adultery is called fornication. To prove either a man or a woman guilty of this offence, it is indispensable that four respectable men, of sound understanding and of years of discretion, testify that they were eye-witnesses of the fact. The Qazi must be particularly careful, in receiving evidence to this offence, to ascertain that the witnesses are both credible and competent; but should it be satisfactorily proved, he must order each of the offenders to be punished with one hundred stripes.

Whenever any person accuses a married woman of adultery, and cannot support his accusation by the legal number of witnesses, or whenever any person makes use of expressions calling in question the chastity of the mother or wife of another, he shall, on complaint being duly made to the Qazi, be punished with eighty stripes and be declared to be ever after incompetent as a witness.

Under the Sultans of Delhi, misdemeanour was not extended to the cases cited above. It meant only to displease the Sultan by one's bad manners, such as talking in his presence too loudly, appearing before him ill-dressed, giving him a piece of advice without being asked to do so or coming with one when it was too late. The punishment meted out in such cases



depended on the mood of the Sultan at that particular time, and also on the nature of the ill-manners, exhibited by the person involved.

CASES OF MISDEMEANOURS:

Under Sultan Alauddin Khalji

1. On one occasion an officer was found to have behaved ill. He was punished by being made seated upon an ass and paraded round the city.¹
2. Malik Qabul Ulugh Khani, the Shahnah, suggested to the Sultan to raise the price of grain by half a jital. The Sultan was very angry at this unsolicited advice and ordered the Shahnah to be given twenty stripes.²

Under Sultan Muhammad bin Tughluq

1. After Ainul Mulk's rebellion had been suppressed, a large number of his followers were captured and produced before the Sultan. Among them was Ibn Malik-ut-Tujjar (a young man who had not yet grown a beard). He had remained in Ainul Mulk's camp by force of circumstances and not by his own choice. The Sultan, who had not been provided with the real facts about him, sentenced him to death. After he had been executed, Khwaja Amir Ali of Tabriz, the imperial chamberlain, remarked

1. Briggs, Vol.1, p.188.

2. Lal, p.235.

, to Kamaluddin, the chief justice, that the young man had been wrongly put to death. This reached the Sultan's ears, who was indignant at Khwaja Amir's having suppressed the fact of Ibn Malik-~~u~~ⁱ-Tujjar's innocence, and ordered him to be whipped about two hundred lashes. Then he was thrown into prison, and his entire effect confiscated.¹

1. Rehla, p. 93.

Chapter-VTHEFT AND HIGHWAY ROBBERY

THEFT: Theft is the secretly taking away the goods of another to the value of ten dirhems or more, when in safekeeping. Under this definition is included both the larceny and burglary of the English law, but it applies particularly to the latter, for it is observed in the Midayah, that thefts are not likely to take place in the day-time, on account of assistance being always at hand, but that as assistance is seldom procurable at night, thefts are most commonly committed at that time, the thief availing himself of that opportunity to enter houses and forcibly take away the goods of the owners.

The taking of things of trifling value, as wood, grass, fish, fowls and garden-stuff, does not constitute theft; nor of things which quickly decay, as milk, flesh meat, or fruits, whether gathered or on the tree.

Taking from the public treasury is not theft, because it is the common property of all Muslims, and the taker has consequently a share in it; for if a person take from property in which he is joint tenant, it does not constitute theft!

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1. In all these cases, however, where the offence does not amount to the legal crime of theft, the offender is liable to such discretionary punishment as may be adjudged by the 'azi.

If, however, it be proved by the confession of the offender, or by the evidence of two persons, that he has secretly taken goods ~~of~~ ten dirhems' value or upwards, and that he cannot plead any of the preceding circumstances in bar to his conviction of theft, the Qazi must order his right hand to be cut off. The amputation is to take place at the joint of the wrist. If the thief commit theft a second time, his left foot is to be cut off in the same way; but if he offend a third time, he is to suffer no further mutilation, but to be imprisoned until such time as he repents, or during the rest of his life. Should the right hand and ^{left} foot of the offender be useless from any cause, or have been lost in accident, the left hand and right foot shall not be cut off in their place, but the offender must be imprisoned. A sentence of amputation cannot be awarded or carried into effect unless the owner of the goods stolen has appeared as prosecutor and is present at the execution.

HIGHWAY ROBBERY: Highway robbery is when one or more persons go forth for the purpose of attacking others on the highway and put travellers in fear. It admits of four degrees of criminality: (1) When the robbers are apprehended before they have terrified, or robbed, or murdered any one: (2) When they are apprehended

after committing robbery only; (3) When they are apprehended after murder only; (4) When they are apprehended after having committed both murder and robbery. In the first case the robbers must be imprisoned until such time as their repentance clearly appears. In the second, their right hands and left feet are to be cut off, provided that the share of each in the property robbed amounts to ten dirhems. In the third, they are to be punished by death, and cannot be pardoned. And in the fourth, the Qazi is at liberty to cut off their hands and feet, and then impale them, or to impale them without mutilation, or to put them to instant death; but in all cases where a robber is put to death, he is not responsible for the property taken.

All ^uaiders and abettors in a robbery are to be considered equally guilty as the actual perpetrators of it, and are to suffer the same punishment.

If a robber be taken, who ~~was~~ neither plundered nor murdered, but merely wounded a person, he is liable to retaliation or fine, as the case maybe, but if he have both plundered and wounded any one, his hand and foot are to be cut off, and he thus becomes exempted from retaliation or fine.

If a person attack or plunder another in the streets of a town, it does not amount to robbery; but if a person

make an affray in a town during the day with deadly weapons, ~~or during~~ or with sticks and stones, they are to be considered and punished the same way as robbers.

CASE OF THEFT

Under Sultan Sikandar Lodi:

1. One night a horse from the imperial stable was stolen. On the third day the thief with the horse was caught at Dholpur and brought to Agra. It was suggested by Khan-i-Khanan Lohani that he should be killed, but the Sultan did not listen to the advice and handed him over to Muhammad Zaitun, the Shiqdar of Agra, to be imprisoned. After seven years of imprisonment the thief was released, and he embraced Islam.¹

CASE OF DRUNKENNESS AND THEFT:

Under Sultan Muhammad bin Tughluq:

1. One Razi of Multan made himself drunk and in that state stole five thousand dinars from the house of the treasurer of Aziz Khummar, the revenue officer of Amroha,

1. Tarikh-i-Daudi, pp. 67-69. The Khan-i-Khanan's proposed punishment was not in accordance with the Islamic law regarding theft; so was also the imprisonment order issued by the Lodi Sultan.

where he had put up. He was produced in the court of Ibn Batṭuta, who ordered him to be given eighty stripes for drinking wine, and threw him into prison on the charge of the theft which turned out against him.¹

CASES OF HIGHWAY ROBBERY:

Under Sultan Wasiruddin Mahmud:

1. In 1260, the Meos, expiated by a terrible punishment a long series of crimes. For some years past they had infested the roads in the neighbourhood of the capital and depopulated the villages of the Bayana district, and had extended their depredations ~~the~~ eastwards nearly as far as the base of the Himalaya. Their impudent robbery of the transport camels, on the eve of a projected campaign, had aroused Balban's personal resentment, and on January 29 he left Delhi and, in a single forced march, reached the heart of Mewat and took the Meos completely by surprise. For twenty

1. Rehla, p.146. Ibn Battuta's throwing the thief into prison suggests that the cutting off the hand of a person found guilty of theft was not practised in India. This is confirmed by the case cited earlier under Sultan Sikandar Lodi.

days the work of slaughter and pillage continued, and the ferocity of the soldiery was stimulated by the reward of one silver tanka for every head and two for every living prisoner. On March 9 the army returned to the capital with the chieftain who had stolen the camels, ^{and} other leading men of the tribe to the number of 250, ^{and} 142 horses, and 2,100,000 silver tankas. Two days later the prisoners were publicly massacred. Some were trampled to death by elephants, others were cut to pieces, and more than a hundred were flayed alive by the scavengers of the city. Later in the year those who had saved themselves by flight returned to their homes and ventured on reprisals by infesting the highways and slaughtering wayfarers. Balban, having ascertained from spies the haunts and movements of the bandits, surprised them as before by a forced march, surrounded them, and put to the sword 12,000 men, women and children.¹

The Meos soon recovered from their severe chastisement and infested the jungle which had been permitted to grow unchecked round Delhi. They plundered

1. R averty, Vol.1,pp.715,864: Habib & Nizami,p.273:
CHI, Vol.111,pp.72-73.

travellers on the roads, entered the city by night, and robbed the inhabitants in their houses; and even by day robbed and stripped water-carriers and women drawing water from the large reservoirs just within the city walls, so that it became necessary to shut the gates on the western side of the city immediately after the hour of the afternoon prayer. During the year following his accession, Balban was occupied in exterminating the robbers. The jungle was cleared, the Meos lurking in it were put to death, a fort was built to command the approaches to the city from the west and police posts were established on all sides.¹

Under Sultan Ghiyasuddin Balban:

1. In the year 1266, Sultan Balban sent an army into the Doab (the tract lying between the Ganges and the Jumna), to suppress some rebels-cum-robbers. The Sultan himself soon after marched in person towards Campila, Patiali and Bhojpur, whose inhabitants interrupted the intercourse between Delhi and Bengal, by the route of Jaunpur and Benares. He put some thousands of them to death and caused forts to be built in which he placed Muslim garrisons to quell any future disturbance. It was at this time, also, he repaired the fort of Jalali, and then returned to Delhi. Soon after his arrival he

1. CHI, Vol, p.76.

received intelligence of an insurrection in Badaun and Katehr, whither he marched with 500 select cavalry, and put to death the ~~xx~~ insurgents, with the exception of women and children. On this occasion he so completely eradicated that band of plunderers, that neither in Amroha, Badaun, or Sambhal, were robberies or murders committed till the time of Sultan Jalaluddin Khalji.¹

Under Sultan Jalaluddin Khalji:

1. Once a few thugs were captured in Delhi, and one of them gave information which led to the arrest of over a thousand of them for proved offences of murder and highway robbery. Not one was punished. Pitying their lot, and accepting their regrets and promises of good conduct in future, he sent them all in boats down the Jumna and the Ganges to Bengal, where they were set free.²

1. Briggs, Vol.1, p.142; Habib & Nizami, pp.278-79.
Elliot & Dowson, Vol-III, pp.104-06.

2. Barani, pp.189-90; Lal, p.26., Elliot & Dowson, Vol-III, p.141.

Under Sultan Muhammad bin Tughluq:

1. Towards the second part of the 1340s¹ Sultan Muhammad bin Tughluq had to march against the muqaddams, Saras, Birahas, Mandharas, Jats, Bhattis (Bhatti Rajputs), Manhis of Sanam and Samana. These people used to plunder the wayfarers on the highways in their territories. They were subdued and their ringleaders captured and brought to Delhi where they were forced to embrace Islam.²

1. CHI, Vol. III, p. 164, places the event in 1343 A.D.

2. History of the Qaraunah Turks, pp. 173-74.

Chapter-VIHOMICIDE

Homicide can be divided into wilful murder; unintentional homicide and justifiable homicide.

Wilful murder is the killing ~~another~~ intentionally with a weapon, or with the substitute of a weapon, as a sharp stick, or a sharp stone, or fire; but as the intention is concealed, it can be known only by a visible act, and the law, therefore, concludes that, whoever uses against another an instrument of murder, it must be with the intention of murder. The consequences of wilful murder are damnation in the next world and retaliation in this world.

The crime of wilful murder is proved by the confession of the murderer or by two witnesses adduced by the heirs of the deceased. If, however, the witnesses disagree with respect ^{to} ~~of~~ the time or place of the murder, or the instrument with which it was committed, their testimony must be rejected, or if one witness depose to the instrument, and the other declare his ignorance of it, or if the one say ~~that~~ it was sword and the other that it was a knife, the

murder must be considered as not proved; for it is on the particular kind of instrument with which death has been inflicted that the crime of wilful murder depends; and if, therefore, the witnesses depose that they know not what the instrument was, the person accused is to be convicted of unintentional homicide only.

Retaliation is the right of the heirs of the deceased, and when the murder is proved by the requisite evidence, the murderer must be delivered up to them. It is then left entirely to them to determine whether they will put him to death or accept a compensation in lieu of the blood of their relation. In the first case, the murderer is to be slain at once with a sharp instrument capable of inflicting instant death, and is neither to be mutilated nor tortured in any manner.¹ In the latter case the law has fixed no amount or goods as the redemption of wilful murder; and the composition, therefore, depends on the agreement which may be made between the heirs of the deceased and the murderer. It is only required that

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1. In opposition to the jurists of the Hanifah sect, Shafii maintains the doctrine that the very same wounds must be inflicted on the murderer that he inflicted on the deceased, and that should these not prove mortal, his throat is to be cut.

'the murderer should consent to the agreement, because he cannot be obliged to enter into it. Should he accept the composition, the amount must be immediately paid unless the heirs consent to a delay, in which case the compensation becomes a debt, and is, therefore, subject to the same rules as any other debt.

Unintentional homicide is divided by the Muslim jurists into four kinds: (i) Where a man kills another by striking him with an instrument not likely to cause death, as a whip or small stick; (ii) Where a person doing a lawful act, without any intention of hurt, unfortunately, kills another; as if a person were shooting at a mark and the arrow by mistake hits a man; or in a shooting at game the supposed beast should prove to be a man; (iii) Where the homicide proceeds from accident, as if a man, while asleep, should fall upon another and cause his death; (iv) Where the homicide proceeds from an intermediate cause, as where a person digs a well on land that does not belong to him, and another falls into it and is drowned. But though these different acts

are thus discriminated, no account of their being greater moral culpability in one than in another, yet the punishment for each of them is the same; namely, a fine of a hundred camels, or ten thousand dirhems. The law exempts the committer of the homicide from the payment of the fine, and directs it to be levied on his family, relations, and tribe; that is, all descended from a common ancestor; and should these not be sufficient to discharge it, recourse must be had to the relations by affinity, commencing with those of the nearest degree.¹ This fine is to be paid in three years, one-third each year; and no individual is to contribute more than four dirhems. It is observed in the Hidayah that the reason for exacting the fine from the relations of a person who has killed another by mistake is that had they been vigilant, it is not probable that the homicide would have been committed; and having been thus negligent, they become responsible and, therefore, are associated with him in the payment

1. The committer of the homicide also pays his proportion of the fine.

of the fine.

The arranging, under this head, homicide committed by persons unknown, or by inanimate objects, may be considered singular, but it is requisite by the Muslim Law imposing the same penalty in these cases as in the case of unintentional homicide: for if a person be found dead in any place, and it be evident that he has been killed, the inhabitants of the vicinage are bound to pay the heirs the price of blood; and in case part of the body only be found, the fine is not to be imposed, unless it be the greater part, or the upper half with or without the head. If a dead body, with evident marks of violence, be found on a quadruped, and it be accompanied by one or more men, the fine shall be paid by his or their relations; if unaccompanied, by the nearest village; should such a discovery be made in a house, the fine is to be paid by the relations of the owner or owners; but in case of dispute, it must be proved that the persons said to be the owners are the actual proprietors of the house. If a person be slain in a boat or carriage of any kind, the fine is imposed on the relations of those present; if in a mosque belonging

to a particular division of the town, by the inhabitants of the division; but if in the principal mosque, or in a public bazar, or on the highway, or on a bridge, the fine is to be paid by the public treasury. If, however, a murdered body be found in an uninhabited desert, or on a river, no notice is to be taken of it; but if it be found on the bank, the nearest village is responsible. In short, in all cases of homicide, where the perpetrator is unknown, the price of blood is to be exacted either from the vicinage, or from the relations of those in whose hands, or in whose house, or in whose field, the body of the deceased is found.

In the case of homicide, occasioned by the fall of any building, or part of a building, which has been erected so as to overhang the highway; or the placing stones, rubbish, or water; or digging a well in the highway, or on the ground of another; the relations of the person who did any of these acts, or caused them to be done, are bound to pay the price of blood. But if, for instance, a balcony, while erecting, should fall and kill a man, the workmen alone are responsible.

The Muslim law holds that all persons who execute the decrees of a Qazi, whether the judgement be death, mutilation, or whipping, are exempt from responsibility; and if in the two last cases death should ensue, they are not liable to the price of blood. But this rule applies merely to execution after trial and sentence has been passed; if, therefore, in apprehending a criminal, or in enforcing an order of the Qazi, resistance should be made and homicide be the consequence, it would not be considered as justifiable, but as unintentional, and the relations of all present in the affair would be obliged to pay the price of blood.

Homicide is also justifiable in self-defence; but if it be possible to effect the self-defence without killing the assailant, it is not lawful to kill him; and should the assailant, after drawing his sword and attacking, retire in such a manner as clearly indicates that he has desisted from the attack, and either the person assaulted, or any other, kill the assailant, he becomes liable to retaliation.

If any person, during the night, attempt to commit a theft in a place of safekeeping, it is lawful

for the^e owner to kill the thief; but if he could have repelled the violence attempted, or instantly recovered the goods, if any were carried away, without putting him to death, he becomes liable to retaliation.

CASES OF MURDER

Under Sultan Muhammad bin Tughluq

1. Ibn Battuta had a slave who ran away from him. He found him with a Turk and went to wrest him from the Turk. But on the advice of Shaikh Kamaluddin Abdullah Ghari he agreed to sell him to the Turk for a hundred dinars. After six months the slave murdered his new master and was produced before Sultan Muhammad bin Tughluq. The charge of murder having been proved, the Sultan ordered him to be handed over to his master's children, who killed him!

Attempt at Murder punished with death:

2. Shaikh Ibrahim, a leading saint, had come to the city of Dhar and established his residence outside its walls. He cultivated the fallow land there and began to sow melons which produced an extraordinary

1. Rehla, p.31.

sweet flavour equalled by none in that land. On the neighbouring grounds the cultivators also sowed melons, but they could not get anything like this. Shaikh Ibrahim used to feed the poor and the needy.

When the Sultan intended to leave for the province of Mabbar, this Shaikh offered him a melon which he accepted. He was pleased with him and assigned to him the city of Dhar as an iqta and ordered him to build a hospice on a hillock which dominated the city. Accordingly, the Shaikh erected there a very beautiful building where he used to feed the wayfarers and he continued this for years. Afterwards he came to the Sultan, brought him thirteen lakhs of tankas and said, "This is the balance from the amount out of which I used to feed the people; the public treasury is more entitled to it than myself." The Sultan took the money from him but disapproved of his saving the money and not spending the whole in feeding the poor.

In this city the nephew of the Wazir Khwaja Jahan intended to assassinate his uncle to seize his treasures and to go over to the rebel in Mabbar. His plan reached the ears of his uncle who seized him as well as a number of the ~~am~~irs and sent them to the

Sultan. The Sultan killed the Amirs and sent back to the Wazir his nephew whom the Wazir executed!

Under Sultan Firoz Tughluq:

1. In 1377 Firoz was engaged in repressing a rebellion in the Etawah district, where the revenue could seldom be collected but by armed force; and two years later found it necessary to take precautions against a threatened inroad of the Mughals, which his preparations averted. In the same year his usually mild nature was stirred to a deed of vengeance worthy of his predecessor. Kharku, the Raja of Katehr, had invited to his house Sayyid Muhammad, Governor of Badaun, and his two brothers, and treacherously slain them. In the king's pious estimation the heinousness of the crime was aggravated by the descent of the victims, and in the spring of 1380s, he marched into Katehr and there directed a massacre of the Hindus so general and so indiscriminate that, as one historian says, "the spirits of the murdered Sayyids themselves arose to intercede, Kharku fled into Kumaun and was followed by the royal troops, who, unable to discover his hiding place, visited their disappointment on the wretched inhabitants, of whom large numbers were slain and 23,000 captured and enslaved. The approach of the

1. Rehla, pp. 167-68.

rainy season warned Firoz to retire from the hills of Kumaun, but his thirst for vengeance was not yet sated. Before leaving for Delhi he appointed an Afghan to the government of Sambhal, and ordered him to devastate Katehr annually with fire and sword. He himself visited the district every year for the next five years and so supplemented the Afghan's bloody work that "in those years not an acre of land was cultivated, no man slept in house, and the death of the three Sayyids was avenged by that of countless thousands of Hindus!"¹

2. Yusuf Bughra was a jagirdar of Yusufpur and had acquired a prominent position in the imperial court during the reign of Muhammad bin Tughluq. He had two sons by his two wives. At the outset of the reign of Firoz, these two step brothers quarrelled among themselves, so much so that the elder brother murdered the younger one in order to have the whole property of his father. The mother of the younger brother lodged a complaint in the court of the

1. Briggs, Vol.1, p.265; CHI, Vol.111, pp.182-83.

Firoz's treatment of the Hindus of Katehr as cited in this case does not tally with his character, and I am inclined to think that the story of his annual excursions against them has been much exaggerated.

Sultan. The murderer, in spite of being a favourite of the Sultan, was given a death penalty for his crime.¹

3. Khwaja Ahmad, who was a clerk in the royal treasury, had once murdered a student, who used to teach his children at Firozabad. It is related that Khwaja Ahmad suspected the student of falling in love with a lady, and this led him to murder the student in a drinking party. The body was thrown over a bridge in the night and was detected by the Sultan the next morning, who ordered the Kotwal to investigate the matter.

After much enquiry the Kotwal traced the murderer and produced him before the court. The slaves and slavegirls of the Khwaja being subjected to torture by the Kotwal, confirmed the crime of the clerk before the Sultan and gave a detailed account of the circumstances in which Khwaja Ahmad had murdered the student in a state of drunkenness.

Although the statements of the slaves as witnesses were sufficient for the execution of the Khwaja, the Sultan was not satisfied because the

1. Afif, pp. 503-04.

accused pleaded his innocence and shifted the whole blame of the murder to his slaves. He had to make further investigations. When the slaves in their defence referred to the bloodstained cloth which the accused had given to the washerman, the Sultan at once sent for the washerman, who appeared in the court with the washed clothes marked with yellow spots. When Khwaja Ahmad was questioned about it, he said that the blood-spots were of animals which he had slaughtered on that day. This did not satisfy the Sultan who then sent for the butchers who refuted the statement of Khwaja Ahmad and declared that the yellow patches were left on the clothes only after washing the human blood. Ultimately the charge proved and the Sultan executed Khwaja Ahmad.¹

1. Ibid., pp.504-09.

Chapter-VIIADULTERY AND INCEST

4. Adultery is the connexion of a free Muslim of sound understanding, mature age, and lawfully married, with a free Muslim woman also of sound understanding, mature age, and lawfully married. This offence must be proved by four credible and competent witnesses, who testify that they were eye-witnesses of the fact. The confession of the parties is also sufficient to establish it; but such confession must be made at four different times, and the Qazi must be very slow in receiving it. When also witnesses bear testimony to adultery, the Qazi, must use every means in his power to ascertain whether they be men of probity and integrity; but if the offence be fully proved, both the adulterer and adulteress are to be stoned to death. In carrying this sentence into execution, the offenders are to be carried to a barren spot void of houses and cultivation; and the lapidation must be commenced by the witnesses.¹ Lapidation is not suspended on account of sickness; but if a woman be pregnant, she is to be imprisoned, and the execution delayed until after

1. The witnesses are to commence the lapidation in order that if they should have erred in their testimony, or testified falsely, compunction and remorse may compell them to retract their evidence.

delivery. Under the Sultanate the adulterer and adultress were both punished to death by stoning!¹

CASES OF INCEST:

Under Sultan Alauddin Khalji:

1. Towards the closing years of Alauddin's reign it was discovered that certain Shia sects like the Karamatians and Ismailias indulged in free licence and incest. As soon as Alauddin came to know of these shameless people, he ordered them to be severely punished. The "saw" of punishment cut them down after searching them in towns and cities, so that incestuous tribes were altogether extirpated.²

CASES OF ADULTERY:

Under Sultan Muhammad bin Tughluq

1. Muhammad bin Tughluq's step-mother, a daughter of Sultan Alauddin Khalji, on her own confession, was found guilty of adultery. She was stoned to death, as prescribed by the Islamic law on adultery.³

1. Lal, p. 236.

2. Barani, p. 336; Khazainul-Futuh (trans.), p. 12; Lal, p. 264; Habib & Nizami, p. 399.

3. Rehla, p. 86.

CASE OF ADULTERY CUM TRIPLE MURDERUnder Sultan Ibrahim Lodi

1. There was a man in Samana who gained his livelihood by trading. He was called away from home on business, and entrusted the care of his house to a trustworthy individual, between whose habitation and his own there was only a wall. This neighbour, therefore, used frequently to go into the merchant's house, and assist and advise in all its concerns, and see that matters went on smoothly during the owner's absence. Whenever he went there, he saw a young man frequently entering. He fancied at first that the young man must be some connexion of the owner of the dwelling; but he afterwards *realised* that if he were, the house would not have been given into his charge. He, therefore, determined to find out all about the youth. He then made ^a hole in the partition wall, and from time to time looked through it into the next house. One night he saw the young man, dressed in white and scented with perfume, enter the merchant's dwelling, place a handsome carpet near the merchant's wife, and spread upon it sweetmeats, wine, and pan; after partaking of which, shortly afterwards,

they lay down together and indulged in improper
 familiarities. The woman had a child; which slept
 in another room, and when it cried she gave it
 some milk, and then returned to her lover; but as
 the child persisted in worrying her with its cries,
 the woman went and squeezed its throat so that it
 died, and slept the sleep which knows no waking.
 After which she again sought the youth's embraces.
 When a short period passed, the young said, "why
 has not the child cried again for such a long time?"
 The woman replied, "I have taken steps to prevent it
 from crying altogether." The young man was greatly
 disturbed and enquired what she meant. She answered,
 "I have killed the boy on your account." The youth
 said, "O ^{Wretch} creature, who fearest not God, for the sake
 of a moment's pleasure you have slain the fruit of
 your own womb; what confidence can I place in you?"
 He immediately put on his clothes, with the intention
 of quitting the place. The woman seized his skirt,
 saying, "It is through you that I have acted thus,
 and you cease to love; for God's sake do one thing
 to save me from shame. Make a hole in the corner
 of this room in order that I may bury him." The

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youth at last reluctantly consented. She accordingly brought a mattock, and gave it to him to conceal it in the ground. The young man, taken in by the woman's artifice, bent down towards the hole for the purpose of placing the child in it, and that deceitful woman then raised the mattock with both hands, and struck him so violently on the head, that she split it into two, and he fell dead into the hole. She covered him over and smoothed down the earth. The neighbour had witnessed all that had happened, and was thunderstruck at the woman's atrocity. Nevertheless, the woman, feigning the deepest grief went about weeping and exclaiming, "A wolf has eaten my child."

When after a lapse of some time, her husband returned, people came to condole with him; and they repeated the usual prayers. When they went away, the friendly neighbour said to him, "Come for a short time to my house to dissipate your melancholy." The merchant accordingly accompanied him, and after they had partaken of food, he related to him the whole history of the deaths of both the child and the young man, and

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said, "Pretend that you have hidden some gold, and that you want a mattock for the purpose of digging it up." He consented to do this, and the woman, much pleased when she heard about the treasure, readily brought the mattock, upon which he immediately began to dig up in the spot which has been indicated. When the woman perceived that the secret would become known, she fastened the door of the room, in which the digging was going on with a chain and set fire to the roof. When the flame burst forth, she began to cry for her neighbours to come, as her house had caught fire and her husband was burning. By the time they arrived, the unfortunate man was roasted. The friend had even seen all this likewise, and having collected all the inhabitants of the neighbourhood, went with them to the Kotwal, and explained what had occurred. On the receipt of this information, they opened the hole, and found the bodies of the youth and child. Then they buried this bloody-minded woman up to the middle, in the centre of the bazar, and goaded her with arrows till she died.¹

1. Afghan Dynasties, Elliot & Dowson (Susil Gupta Ltd.), pp. 48-50.

Chapter-VIIIREBELLION

The only crime against the State known to the Muslim law is waging a war against the sovereign. The jurists divide the persons who ^eonly resist the authority of the sovereign into four classes: (1) Those who, without any valid reason, create alarm and commit depredations on the highway: (2) Those who act in the same manner, but under an avowed pretext; (3) Those who oppose the sovereign in force and arms, on account of alleged tyranny and heterodoxy; (4) Muslims of the same sect as the sovereign, who openly oppose him in force and arms on whatever account. These two last classes are properly called rebels, and the same law applies to each of them; it is, however, to be observed, that to constitute rebellion, it is indispensable that the sovereign authority should be exercised by a lawful prince.

Whenever the sovereign is informed that preparations are making for insurrection by the purchase of arms and the means of war, he ought immediately to imprison all persons accused of being concerned in such preparations; and to detain them in confinement until they repent of their evil intentions; but should these measures be ineffectual, and the rebels be drawing together, the prince ought still to be slow in commencing hostilities, and endeavour to recall the rebels to their allegiance by pointing out the

impropriety of their conduct; and if the case require it, by correcting or removing the cause of their defection. The prince must not, however, neglect adopting the necessary measures for quelling the insurrection; and as soon as he finds pacific measures to be of no avail, it is incumbent on him to proceed immediately to the reduction of the rebels by force of arms.

All the subjects of the prince are bound to assist him in suppressing rebellion; and if in the progress of the war a faithful subject kill a rebel or destroy his property, he is exempt from all responsibility, and ^{pay} not liable to ^{be seized} compensation, fine, or retaliation. Nor, according to the general opinion, is a rebel who kills a faithful subject, or destroys his property, liable to any responsibility, though he is held to be culpable in the sight of God, on account of those acts having been committed in an unlawful cause. The prince also is not to make slaves of the rebels; or of their families, nor to divide their property amongst his troops; but he must sequester such property; and

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not restore it to them until they repent and return to their allegiance.¹

It is not lawful to sell arms or warlike stores in the camp of the rebels, but there is nothing to prevent the sale of them in a town to any person, whether he be known to be a loyal subject or not. It is not, however, unlawful to sell to rebels the materials of arms, such as wood or iron. The rule is contrary to the law regarding enemies who are unbelievers; for to them the sale of arms, warlike stores, horses and iron is strictly prohibited; but in either case the sale of provisions and articles of clothing is permitted.

If rebels collect the revenue of any district or territory, which afterwards submits to the prince, or from which they are afterwards expelled, the prince must not exact the revenue a second time for the period for which it has been already paid.

Rebels taken prisoners, during the medieval age, were usually carried round the town on mules, elephants,

1. The Delhi Sultans, with few exceptions, seldom stood by these injunctions, as the cases of rebellion dealt with in the following pages of this chapter will show.

particularly on a two-humped camel. They dressed the offenders up differently, now in a penitent's garb in a felt burnoose, and a red hair coat; now in a jester's costume of silk and brocade, with a fox's tail or ribbons or little bells tied to the burnoose; now in a long burnoose such as is worn by women.¹ The Sultans of Delhi, often treated their rebels cruelly, such as Balban, Alauddin Khalji and Muhammad bin Tughluq.

CASES OF REBELLION:

Under Qutbuddin Aibak

1. At the close of the year 1195, when Qutbuddin Aibak was at Ajmer, message reached him that a party of seditious Mehars (Bhattis) were in a state of open revolt. On becoming aware of their resolve to wrest Ajmer from the Muslims, Qutbuddin marched against them and one morning fell upon them. In the engagement, Qutbuddin's horse was fatally wounded, which brought him down to the ground. The unexpected reverse greatly disheartened his troops who, with great difficulty, managed to mount him on another horse and carried him off to Ajmer. Emboldened by

1. The Renaissance of Islam, p.369.

the success, the rebel Hindus pursued Qutbuddin and his forces up to Ajmer, took up their position at a short distance from it, and for several months they shut up Qutbuddin within the walls and carried on hostilities. When Sultan Shihabuddin Ghorî heard of it, he immediately sent a strong force under the command of several Amirs. But before the reinforcement arrived at Ajmer, the Hindus made a retreat. Finding himself thus strengthened, Qutbuddin marched against the rebels who, under their leaders, Rae Karan and Dharavarsha, had taken up their position at the foot of Mount Abu, where the Muslim army did not dare to attack them¹. Noticing their hesitation, the rebels abandoned the pass and advanced to encounter them in the open field.

On 3 February 1196, a severe battle ensued from dawn to midday, and ended in the complete overthrow of the rebels. About 50,000 captives were put to the sword, and more than 20,000 slaves, 20 elephants, cattle and arms fell into the hands of Qutbuddin Aibak's army².

1. The Muslims considered inauspicious to commence fighting on the same spot, where Sultan Shihabuddin had been previously wounded.

2. Aziz Ahmad, pp.138-40

2. In early 1205, Sultan Shihabuddin Ghorî suffered a defeat at the hands of the Turkmans near Andkhud. It was rumoured in India that he had been killed. Taking advantage of ~~this~~ his reported death, the Khokars and some other tribes, to the north of the Salt Range, rose in revolt. They defeated the deputy governor of Multan and plundered Lahore, and by closing the roads between that city and Ghazni, prevented the remittance of revenues from the Punjab. Shihabuddin Ghorî set out from Ghazni in October 1205, to deal with the rebels. He fell suddenly on the Khokars in a position of their own choosing between the Jhelum and the Chenab. They withstood him from daybreak until the afternoon with such obstinacy that the tide of battle was only turned by the arrival of Aibak with the army of Hindustan. The Muslims pursued the Khokars with great slaughter and took so many that five Khokar slaves sold in the camp for a dinar.¹

1. CHI, Vol.111, pp.47-48.

Under Sultan Iltutmish:

1. The first revolt to take place against Sultan Iltutmish was in the capital itself soon after his enthronement when some of the Turks and Muizzi Amirs of Delhi under Sar-i-Jandar (head of the royal bodyguards) in alliance with Aram Shah's party, left the capital city with a strong force and broke out into rebellion in the vicinity. The Sultan gathered together a large army, headed by valiant leaders, like Izzuddin Bakhtiyar, Nasiruddin Mardan Shah, ~~Hazbuddin~~ Ahmad Sur and Iftikharuddin Muhammad Umar, and marched to face the rebels. The rival forces encountered each other in the plain of Jud.¹ Iltutmish was victorious, and he put most of the rebel leaders to the sword.²

2. Soon after the Sultan had successfully dealt with Aram Shah's supporters in the plain of Jud, news came that Udaisa(Uday Singh), the Chauhan ruler of Jalor had rebelled and refused to pay the customary tribute. Iltutmish at once marched against him. Udaisa, hearing of the Sultan's arrival, shut himself up within the walls of the fortress and implored for forgiveness. Iltutmish

1. A few miles away from Delhi.

2. Aziz Ahmad, pp.162-63; Raverty, Vol-I, p.606; Habibullah, p.92.

pardoned him and restored the fortress to him. Udaisa, in return, presented one hundred camels and twenty horses as the tribute due.¹

3. Iltutmish had appointed Malik Ikhtiyaruddin Balka, son of Malik Husamuddin Iwaz, to the government of Lakhnauti. When in March-April, 1229, the Sultan's eldest son and heir-apparent, Nasiruddin Mahmud, suddenly died, and Iltutmish was overcome by grief at the tragedy, Malik Ikhtiyaruddin rose in rebellion. Iltutmish, on hearing of the news of the revolt, personally led an expedition against Balka and caught hold of him. Balka was removed from office and the government of the province was entrusted to the charge of Malik Alauddin Jani.²

Under Sultana Razia

1. The most important event, which happened at the outset of Razia's reign, was the revolt of the heretics under their leader, Nuruddin Turk, who collected together his disciples from different parts of Hindustan, such as Gujrat, Sind, the vicinity of Delhi, and the banks of the Jumna and

1. Ibid., p.163; Elliot & Dowson, Vol.II, p.238.

2. Habib & Nizami, p.220.

the Ganges. All of them jointly conspired against Islam, incited the people to defy the Hanafi and Shafi'i doctrines, and called ^{the} ~~and~~ Sunni Ulama Nasibi (the enemies of Ali) and Murji (procrastinators). On 4 March 1237, an armed body of heretics and Karamatians to the number of one thousand men, entered the Friday-Mosque from two directions and attacked and killed a great number of Muslims. Thereupon, the warriors of the city, such as Nasiruddin Aiyaz, the Balarami, and Amir Imam Nasiri, the poet and others, all armed with weapons, surrounded the heretics from all sides and put all of them to death.¹

Under Sultan Ghiyasuddin Balban

1. Balban ascended the throne in 1266, and the following year he undertook the suppression of the insurrectionaries of the Doab, who had laid waste the territory and caused much tumult and sedition. The province was assigned to powerful officers, who were directed to slay the rebels, to crush all risings and to suppress all lawlessness.

1. Raverty, Vol. 1, pp. 646-47; Aziz Ahmad, pp. 196-97.

The Sultan himself twice rode to Campila (in Farrukh^abad district, U.P.) and Patiali (in Etah district), the headquarters of the rebels; there he remained for about six months and put several thousands of them to death, while the great spoils and captives were brought to Delhi. Thus the way from Delhi to Bihar and Bengal was cleared.¹

2. The most dangerous of all the rebellions, that ^{is} occurred in the reign of Balban, was Malik Tughril's revolt in Bengal in 1279. The Sultan had long before appointed him governor of Lakhnauti and Bengal. Thinking that the Sultan was old and his sons were engaged in a fierce struggle with the Mongols, Tughril proclaimed himself King of Lakhnauti with the title of Sultan Mughis-uddin, issued coins and included his name in the Friday Khutba.

When Balban heard of Tughril's revolt, he flew into a rage and immediately directed Amin Khan, the governor of Awadh, to proceed with his army ^{to} bring the rebel to his senses. Tughril brought up his forces and opposed Amin

1. Aziz Ahmad, p.274., Elliot & Dowson, Vol.III, pp.105-06.

Khan's progress. In a battle that followed near ^{the} Gogra in north Bihar, the royal troops were defeated; some of the imperialists deserted to Tughril; while the rest, retreating, suffered heavy losses at the hands of the Hindu tribes of Awadh. News of the defeat upset Balban's equanimity and in violent rage he ordered the defeated commander to be hanged at the Awadh Gate.

A similar fate overtook the army which Balban despatched next year under Tarmati. Tughril defeated a third army sent by Balban under Shahabuddin, Amin Khan's successor in Awadh.

These successive defeats and the continued defiance of his authority made Balban almost mad with rage. He was now in his eightieth year and the Mongol pressure had by no means subsided. But he decided to lead the fourth expedition personally and thus stake his all to vindicate the Crown's authority. And he swore never to return without the rebel's head. Taking with him his second son, Bughra Khan, and having appointed his ^S friend, the Kotwal, Fakhruddin, to act as the regent during his absence,

he set out for Bengal.

The old King's courage and ruthless will unnerved the rebel. Afraid to offer any frontal resistance, he collected his treasure and followers, and leaving Lakhnauti, made in all haste for Hajinagar. He depended on the climate and the waterlogged soil of the province to wear out the Delhi forces and the King's patience when he hoped to emerge from his retreat and reoccupy the capital. Balban pushed on with utmost speed and occupied Lakhnauti. Leaving ^{in charge} of Malik Husamuddin with instructions to keep him informed about affairs in Delhi, he immediately set out in Tughril's pursuit. It led him to East Bengal and on arrival at Sonargaon, he met the local raja who agreed to cooperate in seizing the rebel. After a long chase, Tughril was captured and slain by an advance party of Balban's army. Balban then returned to Lakhnauti, where an exemplary punishment was meted out to the captured adherents of Tughril; every one, suspected of having the slightest connection with him was hanged on gibbets erected along the two sides of the Lakhnauti Bazar.¹

Under Sultan Jalaluddin Khalji

1. The first rebellion to take place under Sultan Jalaluddin Khalji was that of Malik Chajju, Balban's nephew and

1. Elliot & Dowson, Vol. III, pp. 112-20; Habibullah, pp. 172-75; History of Bengal, Vol-II, pp. 61-67.

head of the old royal family. In August 1290, he raised the banner of revolt at Kara and was joined by Hatim Khan, who held the neighbouring fief of Awadh. The rebels advanced towards Delhi, where they were confident of the support of a numerous faction not yet reconciled to the rule of the Khaljis, but the Sultan marched to meet them, and his advance guard under his son, Arkali Khan, encountered them near Badaun and defeated and dispersed them. Two days after the battle, Chajju was surrendered by a Hindu with whom he had taken refuge, and he and the other captives were sent, with yokes on their necks and gyves on their wrists, to Badaun. Jalaluddin, seated upon a cane stool, received them in public audience and when he saw their bonds wept in pity. He caused them to be loosed and tended and entertained them at a wine party. As they hung their heads with shame, he cheered them and praised them for their loyalty to the heir of their old master. When the courtiers, headed by Ahmad Chap, protested against this encouragement of rebellion and demanded that he should consider what his, and their, fate would have been, had the rebels been victorious, the old Sultan replied that he dared, not, for

the sake of a transitory kingdom, imperil his soul by slaying fellow-Muslims.¹

2. A religious leader named Sidi Maula, originally a disciple of Shaikh Fariduddin Ganj-i-Shakar of Pak Patan, had, in 1291, been established for sometime at Delhi, where his mode of life attracted general attention. He accepted neither an allowance from the State nor offerings from disciples or admirers, but all might enjoy at the hospice, which he had built for himself, the most lavish hospitality. His wealth was attributed by the vulgar to his discovery of the philosopher's stone. The most frequent guests at his private table were the Khan-i-Khanan, and some of the old nobles of Balban's court, who had enrolled themselves as his disciples. Soon the number of his followers reached the staggering figure of ten thousand.

It was reported to the Sultan that there was a plot to raise Sidi Maula to the throne as Caliph. Jalaluddin had him and his principal disciples arrested and brought to the court. He decided to test their innocence by ordeal of fire. He ordered that the accused should be

1- Lal, pp. 22-26; CHI., Vol. III, pp. 92-93; Elliot & Dowson, Vol. III, pp. 137-40.

made to sit in the fire and if they were innocent, they would escape unhurt. But the Ulama objected to this method of proving one's innocence; the quality of fire was to burn, it made no distinction between the guilty and the non-guilty.

The persistent refusal of the accused to confess anything angered the Sultan. There was no way of proving their guilt, but a conspiracy had been hatched and he was bent upon punishing the offenders. The sons of nobles understood to be partisans in the conspiracy were exiled to various places and their property was confiscated. Sidi Maula repeating his denial, the Sultan appealed to a group of fanatics to avenge him "on this man."

Upon this, one of them sprang upon Sidi Maula, slashed him several times with a razor, and stabbed him with a packing-needle. Arkali Khan (the Sultan's son) finished the business by bringing up an elephant which trampled the victim to death.¹

Under Sultan Alauddin Khalji

1. After the sack of Gujrat(1299), when the imperial army was on its return journey to Delhi, it halted near

1. Habib & Nizami, pp.320-21; CHI, Vol.111, pp.94-95;
Lal, pp.27-32; Elliot & Dowson, Vol-III, pp.144-46.

Jalor. Here the one-fifth of the booty of each soldier was demanded as the share of the State. Dispute arose regarding the surrender of some articles, and various kinds of brutal punishments were inflicted upon the soldiers regardless of position or rank to extort confession from them with regard to their individual gains. The inhuman treatment whipped a large section of the army, mostly neo-Muslims, into open revolt. The leaders of the rebels, according to Isami, were Muhammad Shah Kahbru, Yalhaq and Burraq, and according to Yahya, Iljak, Kasri, Begi, Tamghan, Muhammad Shah, Timur Bugha, Shadi Bugha and Qutlugh Bugha. They had seized a richly share in the plunder of Gujarat, and apprehending that a large part of it shall have to be surrendered to the central treasury, they had decided to conceal their possessions. The fiendish cruelty of the royal generals gave them the necessary excuse for rebellion. One morning they murdered Malik Aizuddin, Amir-i-Hajib and brother of Nusrat Khan. Next they attacked the camp of Ulugh Khan, but he had gone out for a wash, and escaped a certain death. The soldiers instead killed a nephew (sister's son) of the Sultan, mistaking him for their prey. Ulugh Khan escaped

to the tent of Nusrat Khan and the two generals, with their unfailing presence of mind, ordered drums to be beaten. Loyal soldiers, who had no share in the mutiny, put on their armour under the impression that some neighbouring Hindu ruler was upon them and assembled in front of the tent of Nusrat Khan. The neo-Muslims were overtaken by consternation and fled. The sagacity of the imperial commanders had saved the situation and the trouble was over within four days. Muhammad Shah and Kahbru sought shelter with Rana Hamira of Ranthambhor, while Yalhaq and Burraq went to Karan, the vanquished king of Gujarat, then staying in Mandurbar as a guest of Ram Deva of Devagiri. The mutiny of the troops had proved abortive; even so it had terrified the royal generals, and they quietly proceeded towards Delhi without demanding on the way any more of the one-fifth for the State.

The chief conspirators in the rebellion had escaped, but a different fate awaited their families at Delhi. The moment Alauddin heard of the outbreak, he ordered the wives and children of the mutineers to be seized and imprisoned.

But the heartless Wazir, Nusrat Khan, not satisfied with the punishment the Sultan had already inflicted upon these innocent victims, committed other barbarous acts on his arrival at the capital. To avenge the death of his brother, he seized the wives of the murderers of Aizuddin and delivered them to the embraces of the scavengers of Delhi, while their little children were ordered to be cut to pieces in the very presence of their mothers.¹

2. While Sultan Alauddin was busy with the ^{Siege}~~seize~~ of Ranthambhor (1301), intelligence reached him that, taking advantage of his absence from the capital, his two nephews, Umar Khan and Mangu Khan, governors of Badaun and Awadh respectively, had started an insurrection in Awadh. The Sultan at once deputed some experienced nobles and the trouble was soon got over. The two mouths were captured and sent to Ranthambhor, where, in the very presence of the Sultan, their eyes were sliced as pieces of melon. Their families and followers were exterminated.²

1. Fuller & Khallaque, pp. 24-26; Lal, pp. 86-88; Elliot & Dowson, Vol. III, pp. 163-65.

2. Ibid., pp. 61-62; Lal, pp. 107-08; Elliot & Dowson, Vol. III, p. 175.

3. Following close upon the abortive revolt of Umar and Mangu, news arrived that a serious revolt had broken out at Delhi. The chief conspirator was one Haji Maula, a prominent slave of the former Kotwal of Delhi, Malik Fakhruddin. Encouraged by rumours of discontent in the imperial army before Ranthambhor, he assembled a number of dismissed and discontented members of the city police and others, and by exhibiting to them a forged decree purporting to bear the royal seal, induced them to join him in attacking the new Kotwal Tarmadi. On reaching his house they found that he, like most Muslims in the city, was asleep, for the Muslims were keeping the annual fast, which fell in that year in May and June. He was called forth on the pretext of urgent business from the imperial camp, and was at once seized and beheaded. The crowd which had been attracted by the disturbance was satisfied by the exhibition of the forged decree, and Haji Maula, having caused the gates of the city to be shut, attempted to deal with Ayaz, the Kotwal of Siri, as he had dealt with Tarmadi, but Ayaz had heard of Tarmadi's fate and refused to be inveigled from the fortress of Siri.

Haji Maula then marched to the Red Palace, released all the prisoners, broke into the treasury, and distributed bags of money among his followers. He seized an unfortunate Sayyid, with the suggestive name of Shaistah, who happened to be descended through his mother from Iltutmish, enthroned him *noleus/voleus* and, dragging the leading men of the city by force from their houses, compelled them to make obeisance to the puppet. In the seven or eight days during which Delhi was in the hands of the rebels, several reports of their proceedings reached Alauddin, but he set his face, concealed the news from his army, and continued the siege.

On the third or fourth day after the rebellion had broken out, Malik Hamiduddin, entitled Amir-i-Kuh, assembled his sons and relations, forced the western gate of the city, marched through to the Bhandarkal gate and there maintained himself against the determined attacks of the rebels. His small force was gradually swelled by the adhesion of some loyal citizens, and by a reinforcement of troops from some of the districts near the capital, and he sallied forth from his quarters at the Bhandarkal

gate, defeated the rebels, and slew Haji Maula with his own hand. The troops recaptured the Red Palace, beheaded the unfortunate Sayyid, and sent his head to the royal camp.¹

Under Sultan Qutbuddin Mubarak Khalji

1. In the second year of his reign (April, 1317), Sultan Qutbuddin Mubarak Khalji had to lead an expedition to Devagiri, which, upon the death of Malik Kafur, had thrown off its subjection and had been taken possession of by Harpal Deva, son-in-law of Ram Deva. On arriving at Devagiri, the Sultan found that Harpal Deva and the other Hindu chiefs, who had joined him in the revolt, finding themselves unable to withstand the army of Delhi, had dispersed, leaving Devagiri to its fate. The Sultan recovered Devagiri without fighting and spilling of blood. He then sent some officers in pursuit of Harpal Deva, who was the leader of the rebels, and who had excited the revolt. He was captured, and the Sultan ordered him to be flayed alive, and his skin to be hung over the gate of Devagiri.²

1. Ibid., pp. 62-68; CHI, Vol. 111, pp. 104-05; Elliot & Dowson, Vol. III, pp. 175-78.

2. Elliot & Dowson, Vol. 111, pp. 214-15; Lal, pp. 328-30; Habib & Nizami, pp. 434-35.

2. While the Sultan was planning to return to Delhi after his successful expedition to Devagiri, Malik Asaduddin, son of ^Yaghrash Khan, the younger brother of Sultan Jalaluddin Khalji, conspired to assassinate him while passing through the pass, Ghati Sagun. ^{fuller}Qutb-
uddin was so careless when dallying with the girls of his harem that the conspirators expected that some twelve swordsmen would be able to kill him, and then Asaduddin would be proclaimed king. But one of the conspirators, Aram Shah, revealed the plot to the Sultan, who halted the march. Asaduddin, Malik Khajuri, Malik Misri and other conspirators were arrested during the night; they were forced to confess their guilt and were beheaded next morning before the royal pavilion. But Qutbuddin decided to seek revenge from the whole family of Yarghash Khan. Twenty-nine children descended from Yarghash Khan, who were not old enough to come out of their houses, were arrested in Delhi at the Sultan's order and slaughtered like sheep; the property collected by Yarghash was confiscated and the women of his family were left to beg in the street.¹

1. Habib & Nizami, p.436; Elliot & Dowson, Vol-III, pp.216-17.

3. Before leaving Devagiri, Sultan Outbuddin had assigned the governorship of the province to Malik Yak Lakhi, a Hindu-born slave officer of his father and had been the barid-i-mamalik for several years. Yak Lakhi rebelled, took the title of "Shamsuddin" and struck his own coins. He constructed a wooden fortress outside Devagiri, but instead of preparing for a struggle, he devoted himself to wine and music. On hearing this news, the Sultan ordered Khusrau Khan to suppress the revolt. Five of the highest officers were ordered to accompany him---Talbagha, Shadi Salila, Outlugh amir-i-shikar, Tajul Mulk and Khwaja Haji, the minister of war. Khusrau had no difficulty at Devagiri. When he reached Ghati Sagun, three of the highest officers at Devagiri, Talbagha of Nagaur, Nasiruddin and Shams Malik, wrote to him that "though captives in the hands of a fool, they were loyal to the Sultan and would join him in due course." Finally, one Imran drew up his forces, two farsangs from Devagiri, captured Yak Lakhi and handed him over to the imperial army. When Yak Lakhi reached Delhi, the Sultan ordered his ears and nose to be cut off, while all his chief supporters were put to death.¹

1. Habib & Nizami, pp. 438-39; Elliot & Dowson, Vol-III, pp. 218-19.

Under Sultan Ghiyasuddin Tughluq

1. During the period of confusion created by Khusrau Khan's capture of power at Delhi, the Raja of Devagiri had relapsed into disaffection. Having assumed the crown, Sultan Ghiyasuddin Tughluq sent an army under his son, Malik Juna, to reconquer Devagiri and Warangal. While the imperial army lay before the walls of Warangal, one Shaikhzada of Damascus, Ubaid the poet, and some other mischievous persons circulated a rumour that the Sultan was dead, and that a revolution had taken place at Delhi. This created a confusion in the imperial army in the Deccan, and the prince was compelled to raise the siege and retrace his steps towards Devagiri. After a few days it was discovered that the rumour was false. After a thorough enquiry, the authors of the false reports were discovered, seized and sent prisoners to Delhi. On their arrival there, the Sultan ordered them to be buried alive, with the severe remark, "that as they had buried him alive in jest, he should bury them alive in earnest!"

1. Elliot & Dowson, Vol-III, pp. 232-33; Briggs, Vol-I, pp. 232-33; Tughlu Dynasty, pp. 64-66.

Under Sultan Muhammad bin Tughluq

1. Bahauddin was a cousin of the Sultan who on his accession had conferred on him the title of Gurshasp and sent him to govern Sagar. There Gurshasp rebelled. The Sultan sent Khwaja-i-Jahan Ahmad Ayaz with a large force to suppress the rebellion. After several severe and prolonged encounters, Gurshasp was at last captured, put in heavy chains and brought to Delhi, where at the orders of the Sultan he was flayed alive and his skin stuffed with chaff and straw paraded throughout the country.¹

2. Soon after the rebellion of Gurshasp was suppressed, Bahram Aiba Kishlu Khan revolted in Multan. The Sultan himself marched against him. In a battle Bahram was killed, and his head was cut off.²

3. While the Sultan was returning from Multan after dealing with Kishlu Khan's revolt and had reached Dipalpur, a courier came from his brother, Bahram, governor of Sonargaon, and informed him that Ghiyasuddin Bahadur, better known as Bura, governor of Lakhnauti, had revolted and caused much bloodshed and confusion. At the

1. Habib & Nizami, pp. 500-03; Rehla, pp. 95-96.

2. Ibid., pp. 504-05; Elliot & Dowson, Vol. III, p. 242; Rehla, p. 97.

orders of the Sultan, the governor of Sonargaon marched against Bura and defeated him. Bura was captured and flayed alive. His stuffed skin was sent with the message of victory. The Sultan ordered celebrations of this victory for forty days in Dipalpur, and the skins of Bura and Kishlu Khan "were displayed from a height like two kernels in one shell!"¹

4. Bahram Khan died in Sonargaon; and in 1338-39, Malik Fakhruddin, the weapon-bearer of Bahram Khan, rebelled and declared that he was an independent ruler and took the title of Sultan Fakhruddin. Malik Pindar Khalji Qadr Khan, governor of Lakhnauti, along with Malik Husamuddin Abu Raja, the auditor-general, Azam Malik Izzudin Yahya, the muqta of Satgaon, and Firoz Khan, son of Nusrat Khan, the amir-i-koh, marched to Sonargaon to suppress Fakhruddin's rebellion. Fakhruddin came out with his army to fight them; there was a battle, Fakhruddin was defeated and fled, and his elephants and horses fell into the hands of the imperialists.²

1. Ibid., pp.505-06.

2. Ibid., p.530; Elliot & Dowson, Vol-III, pp.242-43.

5. Masud Khan was the Sultan's step-brother; his mother was a daughter of Sultan Alauddin Khalji. The Sultan had stoned his mother to death on the charge of adultery and this naturally created a deep resentment in the heart of Masud. Two years after this, Masud was charged with contemplating rebellion. He was so afraid of the torture inflicted in order to extort confessions that he accepted the charge straight and was executed in the centre of the market. His body remained there for three days.¹

6. In 1338 Nizam Main rebelled at Kara. He had undertaken to farm the revenue of Kara for several lakhs of Tankahs, but could not pay even one-tenth of the amount he had promised. He assumed the title of Sultan Alauddin and declared his independence. Ainul Mulk, the governor of Awadh and Zafarabad, and his brother Shahrullah, marched against him. Main was flayed alive and his stuffed skin was sent to Delhi. The Iqta of Kara was assigned to the husband of the Sultan's sister, Shaikhzada Bustami.²

1. Ibid., pp. 532-33.

2. Ibid., p. 533; Elliot & Dowson, Vol. III, p. 247.

7. Ali Adil Shah Nathu was a nephew of Zafar Khan, the famous general of Alauddin Khalji. Having been appointed to collect the taxes, he killed Bhiran, the Hindu muqta of Gulbarga, and established his hold over Gulbarga and Bidar. Qutlugh Khan marched against him (1340), defeated him and sent him to Delhi. The Sultan exiled him and his brothers to Ghazni, but when they returned without his permission, he ordered them to be executed.¹

8. Ainal Mulk, governor of Awadh, had for many years governed his province with ability and clemency and had acquired great influence and popularity. The successful victualling of Sargadwari was due entirely to his prudence and foresight and to his admirable arrangements for the conveyance of grain to the temporary city. Many of the respectable inhabitants of Delhi, fearing the king's tyranny, had withdrawn from the city and had settled in Awadh, where they received generous treatment at the hands of Ainal Mulk, who attached them to himself, and ensured the extension of cultivation in his province by granting them villages in fee. With these immigrants had come

1. Habib & Wizami, pp. 533-34; Tughluq Dynasty, pp. 255-56.

others, less desirable fugitives from justice, who were harboured on the immoral eastern principle that it is dishonourable to surrender to justice even a malefactor who has sought an asylum with a protector. Ainul Mulk was humiliated by a demand for their surrender, but the chief ^{cause} ~~cause~~ of his estrangement from the Sultan was the latter's design of transferring him to the government of the Deccan in the place of Qutlugh Khan. The avowed reason for the transfer was Ainul Mulk's efficiency and success as a provincial governor, from which some improvement in the situation in the Deccan might be expected, but it was generally known that the deplorable condition of the Southern provinces was due not to any fault of Qutlugh Khan, who was a loyal and able governor, but to the pernicious system of farming the revenues, and Ainul Mulk feared that the Sultan's real motive in transferring him from Awadh was jealousy of his power and influence, and that the object of appointing him to a government in which Qutlugh Khan had failed was to ensure his disgrace and destruction. His brothers, who had loyally assisted him in the government of Awadh, now

urged him ^{not} ~~not~~ to submit to the caprice of an ungrateful master, but to rely on the support of the people by whom he was so well beloved. Opportunity favoured him, for the elephants, horses, pack animals and cattle of the royal army had been sent across the Ganges into Awadh for grazing, and the rebellion was precipitated by the seizure of those animals, while Ainul Mulk fled from the camp and ~~join~~ed his own army on the east of the Ganges. He assumed the title of Sultan Alaaddin, and Muhammad bin Tughluq, for the first time in his reign, had cause to tremble for his throne and his life. The disaster to his army in the Himalaya had impaired his prestige and his severity and cruelty had alienated the nobles in his camp, on whose fidelity he could no longer ~~rely~~. The rebel army, though composed of poor material, was more numerous than his own, and he desired to avoid an immediate battle. Hastily summoning reinforcements from Delhi and other towns, he marched rapidly towards Kanauj, seeking the protection of its walls. The rebels on the eastern bank marched from Bahgarmau, and it seemed that the Sultan's only hope of safety lay in outstripping them. When it became known that they had

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crossed the river, he was much alarmed, for he did not believe that they would have ventured on this step without encouragement from traitors in his own camp. The rebels, to the number of 50,000 attacked his outposts by night, and the battle soon became general. Notwithstanding the overwhelming numerical superiority of the enemy, the Persians, Turks, and Khorasanis in the royal army fought valiantly, and at dawn the rebels were in full flight and were pursued for nearly twenty miles. Many, including Ainul Mulk's four brothers, were slain in the battle or the pursuit, or drowned in the Ganges. Malik Ibrahim, one of Ainul Mulk's accomplices in rebellion, seized him and carried him before the minister, Khwaja Jahan, in the hope of earning a pardon, and the minister, after causing Ainul Mulk to be stripped, carried him before the Sultan. The captive was naked save for a small loin-cloth, and was mounted on an ox. Following him was a large number of other prisoners, and the sons of the courtiers disgraced themselves by crowding round the unfortunate prisoners, heaping abuse on Ainul Mulk, spitting on his face, and beating with their fists his companions in misfortune.

Few rebels who fell into the hands of Muhammad bin Tughluq escaped a cruel death, but the Sultan had the grace to remember the long and faithful service of Ainul Mulk, and the captive, instead of being executed, was condemned to imprisonment in sackcloth and chains.¹

9. In 1341, Malik Shahu Lodi, an Afghan noble who had a considerable following of his own tribe, had risen in that province, slain Malik Bihzad, its governor, expelled another officer, and seized the city. The Sultan assembled his army and set out from Delhi, but had travelled no more than two or three stages when he heard of the death of his mother.

The Sultan would not permit his mourning for his mother to interrupt the expedition which he had undertaken, but when he reached Dipalpur he received a petition from Shahu expressing contrition, and learnt at the same time that the rebel and his followers had fled beyond his reach into the mountains of Afghanistan, and accordingly returned to Delhi. It was not the Sultan's policy to tolerate rebels.

He issued orders for the wholesale arrest of Afghans in his territory.²

1. Ibid., pp. 534-36; CHI, Vol. III, pp. 156-58. Elliot & Dowson, Vol. III, pp. 246-49.

2. Habib & Nizami, p. 537; CHI, Vol. III, p. 160; Elliot & Dowson, Vol. III, pp. 244-45.

Under Sultan Firoz Tughluq

1. In 1371-72, Zafar Khan died in Gujarat and his governorship along with the title of Zafar Khan was granted to his son, Darya Khan. In 1376-77, Shamsuddin Damghani was appointed governor of Gujarat. His promise was that he would, in addition to the usual mahsul (payment to Delhi), give forty lakhs of tankas more along with 100 elephants, 200 horses, and 400 slaves from among the sons of Muqaddams and Abyssinians. He was unable to keep his promise and rebelled. But the sadah amirs of Gujarat cut off his head and sent it to Firoz Shah. This is the only rebellion of a governor in Firoz Shah's reign and no army was needed to suppress it. Gujarat was then assigned to Malik Mufarraḥ Sultani with the title of Farhatul Mulk.¹

Under Khizr Khan (1414-21).

1. In the very first year of his succession, Khizr Khan had to send an expedition against Rai Har Singh of Katehr who had refused to recognise the Sultan's authority. After a struggle he was compelled to submit. In 1418, he again rose in rebellion. Khizr Khan despatched Tajul Mulk to deal

1. Ibid., p. 617; Briggs, Vol. 1, p. 264.

with him. Har Singh behaved in a desperate manner. He laid waste Katehr and then sulkily retired to the ravines of Aonla; but he was pursued and considerable damage was done to his army and equipment. He, however, sought shelter in the hills of Kumaon. An army consisting of ~~20~~ 20,000 was sent in pursuit. Har Singh emerged from the hills on the fifth day. The Delhi army returned with considerable spoils, but without any substantial achievements against the Rai. Tajul Mulk then proceeded to Badaun and from there to Etawah. Rai Sabir of Etawah shut himself up in the fort but ultimately agreed to pay a tribute.¹

2. In 1419, Khizr Khan had found it necessary to march in person to chastize the inhabitants of Kol (Aligarh), Rahab and Sambhal, who had been causing a lot of trouble to him. Mahabat Khan, the governor of Badaun, who was present in the Sultan's camp, having had a foreboding that his own fief might be next attacked, fled from the camp and entrenched himself in Badaun. Mahabat Khan was a nobleman of Nasiruddin Mahmud Shah, but after the new dynasty

1. Ibid., p. 638; CHI, Vol. III, pp. 206-08.

had come to the helm of affairs, he had turned loyal to Khizr. But now for no ostensible reason, Khizr Khan had scared him, and when he fled for safety, Khizr Khan laid siege to Badaun in January 1419.

The investment went on for six months. The rebellion of such an old and trusted nobleman, who had a number of friends and supporters in the royal camp, was not easy to deal with. It was reported that Amirs and Maliks, such as Qawam Khan, Ikhtiyar Khan and many officers of Mahmud Shah, were sympathizing with the rebel. To isolate them from Mahabat Khan, Khizr Khan raised the siege even when "Victory was imminent." On his way to Delhi he invited all the suspected nobles, including Qawam Khan and Ikhtiyar Khan, to a function arranged on the banks of the Ganges and there got them done to death.¹

Under Sultan Mubarak Shah Sayyid(1421-34)

1. In 1424, the Mewatis having risen in rebellion, the Sultan marched against them and carried fire and sword through their country. The Mewatis devastated ^{to} their own land and took refuge in Jahrah, which was an invulnerable

1. Ibid., pp. 638-39; Twilight of the Sultanate, p. 79;
CHI, Vol. 111, p. 208.

retreat. The imperial forces fell short of provisions and retired to the capital without achieving anything.

A year later, in 1425, the Sultan again proceeded to Mewat, because the area was far from being settled. The Mewati chiefs—Jallu and Qaddu, grandsons of Bahadur Nahir-----having destroyed their places, sought refuge in the hills of Indur. After a siege of several days, during which the forces of Mubarak Shah pressed hard, the Mewati chiefs made off to the hills of Alwar. Mubarak razed to the ground the forts of Indur and proceeded to Alwar in pursuit of the rebel chiefs. Jallu and Qaddu shut themselves up in the Alwar fort. The imperial ^{forces} ~~forces~~, however, pressed hard upon them and the Mewati chiefs were forced to surrender. But Qaddu again showed signs of rebellion by trying to escape to his hill-retreats; he was, consequently, thrown into prison and Mewat was ravaged. The scarcity of supplies, however, obliged the Sultan to return to the capital.

In early 1428 Sultan Mubarak Shah had been involved in an armed conflict with Ibrahim Sharqi. In this conflict Malik Qaddu had secretly exchanged presents and envoys with the Sharqi ruler. As soon as Mubarak was free

from Sharqi menace, he decided to take firm action against the Mewatis. This terrified the other chiefs of the area. Jalal Khan, brother of Malik Qaddu, and other chiefs, such as Ahmad Khan, Malik Fakhruddin, Malik Ali and their kinsmen, shut themselves up in the Indur fort. When Sarwarul Mulk pressed hard, the besieged offered to pay tribute and were then left in peace.¹

Under Sultan Muhammad Shah(1434-51)

1. After accomplishing the assassination of Mubarak Shah, Miran Sadr, reported his achievement to Sarwarul Mulk, who rejoiced at it, but tried to create the impression of non-involvement in the crime by supporting Muhammad Shah, who had been adopted by the martyred Sultan as a son. On 19 February 1434, Muhammad Shah(son of Farid Shah, son of Khizr Khan) ascended the throne, with the assent of the Amirs, Maliks, Imams, Sayyids, grandees, people, Ulama and the Qazis. Sarwarul Mulk tendered fealty, but displayed great arrogance and took possession of the treasury, the elephants and the armoury. He got the title of Khan-i-Jahan from the new Sultan, Miran Sadr received the title of Muinul Mulk.

1. Habib & Nizami, pp.646-49.

Kamalul Mulk was not prepared to allow the murderer of Mubarak to go unavenged, but he found himself utterly helpless under the circumstances. Sarwarul Mulk, on his part was anxious to get rid of all his quondam colleagues as well as officers associated with the late Sultan. On the day following the accession of Muhammad Shah, he called some of the high Amirs and nobles of Mubarak Shah, who enjoyed the privilege of Mahi-maratib (fish-banner) on the pretext of biat (allegiance), he killed some of them and put others in confinement.

Malik Sura, the Amir-i-Koh (Amir of agriculture), was killed; Malik Karam Chand, Malik Muqbil, Malik Futuh and Malik Bira were thrown into prison. Having got rid of these Amirs, Sarwarul Mulk sought to create a group of his own supporters by a redistribution of iqtas. Bayana, Amroha, Narnaul, Khohram and some parganas in the Doab were conferred upon Sidhipal, Sadharan and their relatives. Ramu, a slave of Sidhipal, was sent to bring the shiq of Bayana under his control. Sarwarul Mulk sought to bring the entire administration under his control, but his plans miscarried one after another. When Ramu reached Bayana and tried to occupy the fort, Yusuf Khan Auhadi challenged and killed him in an encounter. His head was displayed at

the gate of the fort and his family was taken into custody. This was the first bold expression of that anger and anguish, which was rankling in the hearts of those sections of the nobility, who were loyal to the house of Mubarak and wanted the regicides to be brought to book.

Sarwarul Mulk's treacherous conduct and his arrogance towards the Maliks also created widespread disgust and discontent. Several Amirs and Maliks of Khizr Khan, like Malik Ilah Dad Kaka Lodi, muqta of Sambhal and Ahar, Miyan Jiwan, muqta of Badaun and grandson of the late Khan-i-Jahan, Amir Ali Gjjjarati and Amir Kik Turkbachcha organised opposition against him and rose in rebellion in their respective administrative jurisdictions.

Sarwarul Mulk sent an army under Kamalul Mulk, whose fidelity he did not suspect at the time, together with Khan-i-Azam Sayyid Khan (son of Sayyid Salim), Sadharan Kanku and his own son, Malik Yusuf, to deal with the rebels. At first Malik Ilah Dad thought of avoiding a conflict by ~~crossing~~ the Ganges and going to some other place, but when he came to know of the determination of Kamalul Mulk to wreak revenge upon Sarwarul Mulk, he

encamped in the qasba of Ahar. Sarwarul Mulk sent his slave, Malik Hoshiyar, under the pretence of assisting Kamalul Mulk. Soon after this Miyan Jiwan also came with his forces from Badaun and joined Malik Ilah Dad at Ahar. Malik Yusuf, Hoshiyar and Sadharan now found themselves placed in an extremely difficult situation and were afraid of Kamalul Mulk. Unable to prevent the junction of Malik Ilah Dad and Malik Jiwan, Sarwarul Mulk's army fell back on Delhi. When Kamal's rank swelled and the number of his supporters increased, he marched on Delhi on 12 May 1434, and besieged it. Sarwarul Mulk made preparations for standing a siege and held out for three months, while minor skirmishes went on.

According to the Tarikh-i-Mubarak Shahi, Muhammad Shah kept up a show of alliance with the besieged, but at heart he was deadly opposed to Sarwarul Mulk and was desirous of taking revenge for the murder of Mubarak Shah. Sarwarul Mulk and his group, in their turn, were apprehensive lest the Sultan should betray them. On 14 August 1434, Sarwarul Mulk and the sons of Miran Sadr broke into the royal apartments with the intention of

killing the Sultan. But the Sultan had been anticipating such a move and was fully prepared for it.

Sarwarul Mulk's coup failed and he was killed along with the sons of Miran Sadr in front of the darbar.

The Sultan immediately sent a message to Kamalul Mulk,

who entered the city with his followers through the Baghdad Gate. Sidhipal set fire to his house, burnt

his family, and fought till he was killed. Sadharan

Kanku and the other ^{Khatris} ~~Khatris~~ were taken to the tomb of

Mubarak and executed there. Malik Hoshiyar and Mubarak,

the Kotwal, were taken into custody and decapitated.

Malik Kamal and all other nobles expressed allegiance ⁿ to Sultan Muhammad Shah.¹

Under Sultan Bahlul Lodi

1. In 1485, Tatar Khan Yusuf Khail, the muqta of Sirhind, Hisar Firoza, Samana, Lahore and Dipalpur, feeling confident of his great military strength (he had 15,000 mounted soldiers in his army) and financial resources, became hostile to the Sultan. He not only occupied some parganas of the crown land, but also dismissed the officers appointed by Bahlul Lodi. The Sultan sent Nizam Khan along with Umar Khan Sarwani, Miyan Said Farmuli,

1. Habib & Nizami, pp. 659-61.

Nasir Khan Nuhani, Darya Khan Nuhani and other distinguished nobles of the period to chastise Tatar Khan. In a battle fought near Ambala, Tatar Khan, despite his brave resistance, was defeated and slain.¹

Under Sultan Ibrahim Lodi

1. When Ibrahim Lodi succeeded to the throne of Delhi, on the death of his father, his younger brother, Jalal Khan, fled to Jaunpur and declared his independence. Ibrahim was forced to send troops against him and after a protracted campaign Prince Jalal Khan was captured. Sultan Ibrahim condemned him to imprisonment in Hansi, but he was murdered on the way thither.²

1. Ibid., P. 684.

2. CHI, Vol. III, pp. 246-48; Habib & Nizami, pp. 702-05.

Chapter-IX

CONSPIRACY, ATTEMPT ON THE LIFE OF THE
SOVEREIGN, TREACHERY, DESERTION, DISOBEDIENCE,
ATTACK ON IMPERIAL SERVANT, PRAISING THE
REBEL, BLESSING THE REBEL, NEGLECT OF DUTY

The Delhi Sultans were always in the danger of losing their lives at the hands of conspirators or their agents. They had, therefore, to be constantly on their guard to escape death by the assassin's sword or dagger. Since there was no fixed law of succession to the imperial throne, any person of some worth could aspire to establish a dynasty of his own. In several cases we find favourite slaves murdering their imperial masters and capturing the throne for themselves. Conspiracy to murder or overthrow the King was, therefore, looked upon with grave concern, and the offenders were severely dealt with. Desertion, flight to the enemy, corresponding with or spying for the enemy were all serious crimes meriting death. Failure to perform one's military duty on the battle field with success was punished by Sultan Ghiyasuddin Balban with death.

Similarly praising a rebel or blessing him for success invited capital punishment under Muhammad bin Tughluq. An exile to Ghazni on his return to the capital without prior permission of the same Sultan was considered fit to be executed. Sultan Muhammad bin Tughluq also inflicted severe punishments upon persons, irrespective of their high ranks for interfering with the work of imperial servants on duty.

Cases of conspiracy and Attempts on
the life of the sovereign :

Under Sultan Iltutmish

1. Iltutmish, who was considered a patron of orthodoxy and a most pious and God-fearing ruler, was in the habit of going, without any ostentation, to the great mosque on Friday to say his prayers along with the congregation. The heretics of Delhi, aware of his custom, plotted to take his life; and a body of them, armed, whilst the people of the congregation were

occupied in their own devotions, flocked into the mosque, drew their swords, and attempted to reach the place where the Sultan was, and martyred several persons in so doing. The Sultan, however, succeeded in getting safely away, although the heretics endeavoured to follow him. The people now crowded the roofs and walls and gateways of the mosque, and with arrows, bricks and stones, annihilated the heretics. Iltutmish is said to have afterwards put a number of this sect to the sword in revenge for this attempt upon his life.¹

Under Sultan Muizzuddin Bahram (April 1240-May 1242)

1. Sultan Muizzuddin Bahram had appointed Badruddin Sanqar Rumi as his Amir-i-Hajib, but soon afterwards he began to suspect him. Malik Sanqar also grew apprehensive of the Sultan and began to look for an opportunity to remove him. On 27 August 1241, he convened a secret meeting at the residence of Mushrif-i-Mamalik, Sadrul Mulk Sayyid Tajuddin Ali Musawi, to which the Qazi-i-Mamalik, Jalaluddin Kakhani, Qazi Kabiruddin, Shaikh Muhammad Shami and some other Amirs were invited. It

1. Raverty, Vol.1, p. 624n; Tabaqat-i-Akbari, trans., Vol.1, p. 71.

was also decided to invite the Wazir, Nizamul Mulk Muhazzabuddin, to the meeting, and the Sadrul Mulk was sent to fetch him for this purpose. When the Sadrul Mulk called on the Wazir, a confident of the Sultan was there with him, and the Wazir hid him at a place where he could hear the Sadrul Mulk. When the Sadrul Mulk reported the purpose of his visit to the Wazir, he told the former that he would start after performing his ablutions. In the meantime the Sultan's confident rushed to the Sultan to report the conspiracy to him. Muizuddin was quick to act before the conspirators could disperse and he rounded them up. The Sultan probably considered himself too weak to inflict any severe punishment on them. All that he could do was either to transfer or dismiss the rebels. Badruddin Sanqar was sent as an iqtadar of Badaun. Qazi Jalaluddin Kashani was dismissed from the office of the Qazi. Qazi Kabiruddin and Shaikh Muhammad Shami left the city in nervousness.

Badraddin Sanqar, was, however, not prepared to pass his days in the obscurity of Badaun. Within four months he returned to Delhi and was immediately thrown into prison. Subsequently, he and Sayyid Tajuddin Ali Musawi were both put to death.¹

Under Sultan Alauddin Khalji

L. In early 1301, Sultan Alauddin Khalji left Delhi at the head of a large army to reduce Ranthambhor. He halted for a few days at Tilpat² to enjoy his favourite recreation, the chase. After a long day's sport, he and his small escort were benighted at a distance from his camp, and when he rose in the morning he ordered his men to drive some game towards him while he awaited it, seated on a stool. His absence had caused some anxiety, and as he awaited the game, his brother's son, Akat Khan, arrived in search of him with a hundred horse, New Muslims of his own retinue. Akat Khan's ambition was suddenly kindled by the sight of his uncle's defenceless condition and he ordered his Mughal archers to

1. Habib & Nizami, pp.245-46; Aziz Ahmad, pp.205-07.

2. A plain twelve miles east of Old Delhi.

draw their bows on him. The king defended himself bravely, using his stool as a shield, and a faithful slave named Manik stood before him and the arrows, but he was wounded in the arm and fell. Some foot soldiers of his escort ran up and, drawing their swords, stood round him, crying out that he was dead. Akat Khan, without waiting to ascertain whether they spoke the truth, galloped back to the camp, announced that he had slain Alauddin, and demanded the allegiance of the army. He held a hurried and informal court, at which some officers rashly came forward and offered him their congratulations, but when he attempted to enter the ~~harem~~ the more cautious guards refused to admit him until he should produce his uncle's head.

In the meantime stray horsemen, to the number of sixty or seventy, had gathered round Alauddin and dressed his wounds, and on his way to the camp he was joined by other small bodies of horse, which brought his numbers up to five or six hundred. Ascending a khill he caused the royal umbrella to be raised over his head, and the

sight drew the troops and the courtiers out to join him. Akat Khan, finding himself deserted, fled, but was pursued, taken, and beheaded. The tedium of Alauddin's convalescence was alleviated by the punishment of Akat Khan's associates, who were put to death with torture.¹

2. When Alauddin sent Malik Kafur to conquer ^aMabar, he had attached five officers with Kafur, whose duty it was to go forward and collect news in ^sMabar. One of these, a converted Mongol, Aboji Mughal, decided to join the Hindus and asked his interpreter to inform the Hindus of this fact. But the Hindu attack was unexpected and sudden and the interpreter was killed by an arrow. When after ~~three~~ days Aboji returned to the main camp, Kafur imprisoned him. When the army reached Delhi, the Sultan ordered Aboji to be beheaded. This led to a conspiracy.

There were more than ten thousand New Muslims (converted Mongols) in Delhi at the time. Some New Muslim Amirs had been unemployed for years and their salaries and inams, according to the rules of the treasury, had been greatly reduced. Since the Sultan came out to fly his

1. Fuller & Khallaque, pp. 54-60; L&L, pp. 104-07; CH I, Vol. III, pp. 103-04; Elliot & Dowson, Vol. III, pp. 172-74.

hawks wearing only a cloak of one cloth and the persons with him were not armed, the conspirators hoped that two or three hundred Mongol horsemen would be able to kill the Sultan and his entourage and establish a government of New Muslims and their Indian followers. "When the welfare of the state was concerned", says Barani, "Alauddin had no regard for any restraint---- either of religion or blood relationship or the rights of others." The conspiracy was discovered by the Sultan's agents and he issued a confidential order to his officers that all New Muslims in the empire, "who held jagirs", were to be put to death on a specified day. Some twenty or thirty thousand New Muslims, most of whom were completely ignorant of the conspiracy, were put to death under this ruthless order and their women and children were reduced to destitution.¹

1. Briggs, Vol.1, p.215; Lal, pp.295-96; CHI, Vol.111, pp. 117-18; Habib & Nizami, p. 418; Elliot & Dowson, Vol.III, pp. 205-06.

Under Sultan Firoz Tughluq

1. In 1358 a plot was formed against the life of Sultan Firoz Tughluq. His cousin, Khudawandzada, who had unsuccessfully claimed the throne for her son, now lived at Delhi, and she and her husband arranged that the king should be assassinated by armed men on the occasion of a visit to her house, but the plot was frustrated by her son, Davar Malik, who was not in sympathy with his step-father, Khusrau Malik, and contrived to apprise Firoz by signs that his life was in danger, thus causing him to depart sooner than was his wont, and before the arrangements for his assassination were complete. On returning to his palace, he sent troops to surround the house, and the men who were to have slain him were arrested and disclosed the plot. Khudawandzada was imprisoned, her great wealth was confiscated, and her husband was banished.¹

Under Sultan Abu Bakr Tughluq

1. When Abu Bakr (grandson of Firoz Tughluq) captured

 1. CHI, Vol, 111, p. 177; Elliot & Dowson, Vol-III, pp. 290-92.

the throne in 1389, he appointed Malik Ruknuddin his Wazir. Soon Malik Ruknuddin conspired to murder the Sultan and usurp the throne for himself. Abu Bakr, having timely information of his intentions, ordered him and many of the household troops, who were concerned in the conspiracy, to be put to death.¹

Under Sultan Sikandar Lodi

1. While Sikandar Lodi was staying at Sambhal (1499-1503), some discontented elements joined hands to organise a coup. Twenty-two nobles, operating in different parts of the kingdom, planned to depose him and raise Fath Khan to the throne. The prince, however, divulged the secret to his mother and to his spiritual master, Skaikh Tahir, who insisted on the matter being brought to the knowledge of the Sultan. Asghar Khan, the governor of Delhi, Said Khan Sarwani, Tatar Khan, Mahmud Shah and others were either executed or deported for complicity in the conspiracy.²

1. Briggs, Vol. 1, p. 271.

2. Habib & Nizami, p. 694; Makhzan, p. 79.

Cases of Treachery, Betrayal and Desertion:

Under Sultan Alauddin Khalji

1. No sooner had Alauddin Khalji established himself on the throne of Delhi than the maliks of the late king, who had deserted their benefactor and joined Alauddin and received gold by mans and obtained employments and territories, were all seized in the city and in the army, and thrown into forts as prisoners. Some were killed and some blinded. The wealth which they had received from Alauddin, and their property, goods, and effects were all seized. Their houses were confiscated to the Sultan, and their villages were brought under the public exchequer. Nothing was left to their children; their retainers and followers were taken in charge by the amirs who supported the new regime, and their establishments were overthrown.¹

2. During the long siege of Ranthambhor Ranmal, the minister of Raja Hamir Deva, came over to Sultan Alauddin Khalji with a strong party. After Ranthambhor

1. Elliot & Dowson, Vol. III, pp. 162-63.

was taken, the Sultan commanded: "Put Ranmal and his followers to death. Those~~x~~ who betray their natural sovereign will never be true to another."²

Under Sultan Firoz Tughluq

1. During the second descent upon Thatta (1363) many of Firoz Tughluq's men, who had gone through the hardship of the first campaign, went off with their outfits to their home. On being appr~~a~~ised of this situation, the Sultan consulted his officers who advised him to appoint guards to prevent desertion. The Sultan thereupon issued orders to Khan-i-Jahan at Delhi to apprehend the deserters from Thatta to Delhi. He directed his deputy at the capital to look only for those who had been regularly retained in the army, and received pay from the State.

After apprehending them the Khan, was directed to inflict upon them a novel punishment. They were not to be subjected to Tadaruk-i-Khusrawai, which signified

1. Briggs, Vol. 1, p. 195.

execution, banishment or amercement. The Sultan directed that these deserters were to be subjected to Tadaruk-i-Mānawai or moral remedy which implied that an offender was to be exposed to public reproach.

In obedience to the Sultan's orders, Khan-i-Jahan Maqbul directed his officers to apprehend everyone who had returned from the army. If, after due enquiry, a man proved to be a regular retainer, he was subjected to public gaze. Such notorious offenders were exposed in the bazar for a day or two to the gaze of all men, and were then set free without further chastisement and without their villages or pay being touched.¹

Under Sultan Bahlul Lodi

1. Darya Khan Lodi, Governor of Sambhal, had transferred his loyalties to Sultan Mahmud Sharqi, when the latter marched with his troops to wrest the Delhi empire

1. Elliot & Dowson, Vol. III, pp. 329-30; People & Politics in Early Medieval India, pp. 70-71.

(1452) from Bahlul Lodi. On the battlefield, however, he deserted the Sharqi Sultan, went over to the side of Bahlul. His defection was instrumental in Bahlul's success at Narela. After his victory, Bahlul reduced Darya Khan's iqta by seven parganas, but did not remove him from Sambhal.¹

Cases of Disobedience:

Under Sultan Muhammad bin Tughluq

1. Ali Adil Shah Nathu was a nephew of Zafar Khan, the famous general of Sultan Alauddin Khalji. Having been appointed to collect the taxes, he killed Bhiran, the Hindu muqta of Gulbarga, and established his hold over Gulbarga and Bidar. Qutlugh Khan marched against him (1340), defeated him and sent him to Delhi. The Sultan exiled him and his brothers to Ghazni, but when they returned without his permission, he ordered them to be executed.²

1. Habib & Nizami, p. 676.

2. Habib & Nizami, pp. 533-34.

Under Sultan Sikandar Lodi

1. In 1510 Miyan Sulaiman Farmuli, son of Khan-i-Khanan Farmuli, was ordered to proceed towards Uditnagar in order to help Hus¹ain Khan, who held the territory of Shivpur, but he refused to go there. Having been annoyed by his disobedience, the Sultan deprived him of his high position and ordered him to ~~be~~ away from the royal camp with all his baggage before the next morning as the soldiers were permitted to plunder his property if he was late. The pargana of Indari¹ was assigned to him for his maintenance.²

Under Sultan Ibrahim Lodi

1. While Sikandar Lodi had sometime overlooked conspiracy, his son, Ibrahim Lodi, punished even suspected sedition with imprisonment and torture. He cast into prison Miyan Bhua, the tallest of the nobles at his court, simply because he did not implicitly carry out the Sultan's orders and was careless about forms.³

1. In Saharanpur district, U.P.

2. Tabaqat-i-Akbari, Vol.1, pp.380-81; CHI, Vol.111, p.244.

3. Habib & Nizami, p.705; CHI, Vol-111, p.248.

Case of Assaulting Imperial Servant on Duty:

Under Sultan Muhammad bin Tughluq

1. Amir Saifuddin Ghadda, an Arab, came to India during the reign of Sultan Muhammad bin Tughluq and was warmly welcomed at the Imperial court. The Sultan not only bestowed on him many riches, but also gave his sister, Firoz Khunda, in marriage to him.

Twenty days after his marriage, Amir Saifuddin happened to come to the royal palace which he desired to enter, but, since, he had no previous appointment with the Sultan, the head usher denied him admission. Flying into rage, he started beating the usher with a stick that lay near until the latter bled. The wounded usher went up to the Sultan with his blood-stained clothes and told him about what Saifuddin had done. The Sultan reflected for a while and then said, "The qazi will decide the case between you."

Qazi Kamaluddin was then in the council-hall. The Sultan ordered Malik Tatar to take both the parties to

him. In the qazi's court, Amir Ghadda admitted that he had beaten the usher. The Qazi, in consequence, ordered him to be imprisoned for the night. Saifuddin spent the night like an ordinary prisoner; Firoz Khunda sent him no bedding to sleep on, nor did she enquire after him for fear of the Sultan.¹

Case of Praising the Rebel

Under Sultan Muhammad bin Tughluq

1. Shaikh Shamsuddin, son of Tajul Arifin, was an inhabitant of the city of Koil, and he had devoted himself exclusively to worship.

It so happened that one of the amirs in a certain province revolted against the Sultan and the people swore allegiance to him. It was reported to the Sultan that the rebellious amir was mentioned before Shaikh Shamsuddin, who praised him and said that he was fit for kingship. The Sultan sent an amir who chained the Shaikh and ^{his} ~~as~~ sons, as well as the qazi and the Muhtasib of Koil. The qazi and the muhtasib were reported to have been present in the assembly in which the

1. Ibn Battuta who is the narrator of the above case (Rehla, pp. 77-81) remarks that Amir Saifuddin Ghadda would have been awarded capital punishment for his crime, but leniency was shown to him, because he was a foreigner.

Shaikh had eulogised the rebellious amir. The Sultan threw them all into prison after having blinded the qazi and the muhtasib. Shaikh Shamsuddin died in prison¹

Execution for Refuting the Emperor's Views

1. One day Sultan Muhammad bin Tughluq summoned the Ulama to a formal meeting in which he addressed the audience and questioned the position of Prophet Muhammad as Khatmul mursalin (the last of the Prophet), saying:

"Reason (aql) does not accept the possibility of the termination of nabuat (Prophethood) in the same way as it does not accept the possibility of the termination of wilayat (succession to Prophet's spiritual leadership)."

On hearing this the Ulama were struck dumb; and expressing their inability to tackle the point desired that the Sultan should seek the advice of Shaikh Shihabuddin, who was the most accomplished of the sufi saints of Delhi. The Sultan sent for him and posed before him his inquiry and doubts. At once Shaikh

1. Rehla, p.91.

Shihabuddin flew into a rage. Finding no weapon within his reach, he took off his own shoes and struck the same on the Sultan's face. The Sultan, too, warmed up and punished the Shaikh summarily, ordering that he should be thrown from the height of the royal fort into the ditch below. The order was carried out. But the Shaikh did not die. Then he was thrown down a second time and, when need arose, a third time until he died.¹

Execution for Blessing a Rebel against Sultan
Muhammad bin Tughluq

1. When Qazi Jalal Afghani and his tribe revolted against Muhammad bin Tughluq in Cambay, Shaikh al-Haidari, an inhabitant of that city and a man of great fame, was reported to have wished for the success of the rebel, by giving him the cap he was wearing. It was even alleged that he had sworn him allegiance. After Qazi Jalal's rebellion had been suppressed, Shaikh-al-Haidari was produced before the Sultan, and it was proved that he had given the rebel his cap and prayed for him. The Sultan ordered his execution; so his head was cut off.²

1. Tughluq Dynasty, pp. 262-63.

2. Rehla, p. 92.

Cases of Neglect of Duty

Under Sultan Ghiyasuddin Balban

1. The Barid-i-Mumalik (or the Commissioner of Intelligence and Posts) and his deputy the Naib-i-Barid-i-Mumalik supplied the Sultan with all the necessary information regarding the current events of the realm. The capital was connected with the distant parts of the Empire with numerous chains of post offices, where couriers, both horsemen (Aulaq) and footmen (Piyadah), were stationed to carry on the messages and letters. To communicate the events that happened in distant provinces, post relays were established between the capital and the chief towns of the country. Horsemen or footmen were employed to carry post from place to place. There were three stations called Davah, each near a village, where footmen sat, 'with their waists tied'. The courier had a long stick with ringbells at the end. As soon as the Dak started from the city, the courier, with the mailbag in one hand and the stick in the other, ran with all his might. The courier stationed

at the next post heard the sound of ringbells, and hurriedly caught the bag and ran forcibly. Sometimes fruits for the Sultan were also conveyed in the like manner, and a highplaced offender was placed on a bedstead and carried from place to place similarly. Barids or official~~s~~ reporters (Akhbar Navis) and secret service officials were posted everywhere in markets and towns to inform the Sultan of the behaviour of state-servants, transactions in markets and all other events. When the Barids of Badaun failed to inform Balban of the murder of an attendant by the Governor, they were hanged on the city gates by the royal orders.¹

2. When the news of Malik Tughril's revolt first reached Sultan Balban, he at once sent Amin Khan, the Governor of Awadh, to proceed with his army and bring the rebel to submission. Malik Tughril brought up his forces and opposed Amin Khan's progress. In the battle that followed near the Gogra in north Bihar, the royal forces were completely defeated, some of the Delhi

1. Aziz Ahmad, pp.362-63; Elliot & Dowson, Vol.111, p.581.

troops deserted to Tughril, while the rest, retreating, suffered heavy losses at the hands of the Hindu tribes of Awadh. Balban was enraged at the performance of Amin Khan; he ordered the Khan to be killed and his body be gibbeted at the gate of Awadh.¹

3. After Amin Khan's defeat at the hands of Malik Tughril and his retreat to Awadh, Balban fitted out and sent another army under Malik Tarmati, the Turk, to deal with the rebel. Malik Tughril attacked Tarmati unawares, inflicting on him a crushing defeat and forcing him to flee the field. On his return to Awadh, Tarmati met the same fate as his predecessor had. The Sultan ordered Malik Shihabuddin to hang him on the gibbet, before leading the third expedition against Tughril. Accordingly, Malik Tarmati was put to death.²

1. Habib & Nizami, pp. 292-93; History of Bengal, Vol. II, pp. 61.

2. Aziz Ahmad, pp. 279-80. It may be mentioned here that when Malik Shihabuddin was defeated and compelled to flee before Tughril, he was not charged with neglect of duty and punished.

Under Sultan Muhammad bin Tughluq

1. Once the Sultan detailed a division of the army under the charge of Malik Yusuf Bughra to fight the infidels in the hills bordering the Delhi province. Yusuf marched and was attended by most of his troops; but some of them stayed behind----- a fact which he intimated to the Sultan who ordered a search to be instituted round the city and to capture whichever of those, who had stayed behind, might be traced. His orders were carried out and three hundred and fifty of them were captured. The Sultan ordered the execution of them all; so they were executed.¹

2. The Sultan had put the head orator of Delhi (Khatibul Khutaba) in charge of the treasure of precious stones during a journey. It happened that in the night the infidel robbers fell upon the treasure and carried away a part of it. The Sultan ordered the orator to be beaten to death.²

1. Rehla, p.86.

2. Ibid , p.93.

Under Sultan Ibrahim Lodi

1. While Azam Humayun Sarwani was besieging the fort of Gwalior where, Prince Jalal Khan, the younger brother of the Sultan, had taken refuge after his unsuccessful attempt at capturing power. In spite of all precautions taken by Azam Humayun, Jalal Khan was able to escape from Gwalior, before it fell to the imperialists. His flight was attributed by the nobles at court to the deliberate negligence of Azam Humayun. Ibrahim Lodi recalled him from Gwalior with his eldest son, Path Khan, to Agra, and threw both of them into prison.¹

1. Some aspect of Afghan Despotism in India, p.42.

Chapter-XOFFICIAL CORRUPTIONFORGERY, CHEATING, EMBEZZLEMENT, BRIBERY

The Sultans of Delhi were anxious to see that the imperial servants, as well as people in general, behaved honestly in their dealings with others. But unfortunately this was not the case. Not unoften the government servants indulged in all sorts of dishonest practices-----forgery, cheating, embezzlement and bribery-----to amass wealth and become rich overnight. The Delhi Sultans were aware of this, and they took serious notice of these activities. The dishonest imperial servants not only made the common people victims of their unscrupulous dealings, but often the State itself suffered at their hands. In the latter case, when found guilty, they were given exemplary punishments. The Sultans confiscated their property, tortured them and even put them to death in certain cases.

Though there are few specific cases of forgery,

cheating, embezzlement and bribery on record, the contemporary chroniclers, throughout the Sultanate period, frequently lament that persons entrusted with power by the State were not honest. They lost no opportunity to try to become rich and amass wealth without bothering about the means by which this objective was to be gained. It is in this general tendency of acting dishonestly by those put in places of influence and power that one has to look for the reason of very harsh treatments meted out to the offenders by the kings of Delhi.

Alleged Case of Forgery:

Under Sultan Ghiyasuddin Balban

1. Towards the closing years of his reign some persons alleged to have minted coins were brought before Balban. Amongst them was the only son of an old widow. He was innocent but had been wrongly arrested. She made pathetic representations to the Sultan, but they were not heard: it was not his rule to show leniency in crimes against the State. All persons implicated in the cases were put to death. This put the old woman's heart

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on the rack. Every night she appeared before the imperial palace to bemoan the death of her son and to demand Divine punishment for the Sultan. Her pathetic cries used to disturb the Sultan in his sleep and the officers of the Sultan used all possible methods to dissuade her from raising her heart-rending cries. But she ignored all admonitions. She was not afraid of 'iron' and could not be tempted by 'gold'. After the death of the Khan-i-Shahid, she did not come near the palace again and all attempts to trace her whereabouts failed.¹

Case of Bribery:

Under Sultan Alauddin Khalji

1. No sooner had he firmly established himself on the throne of Delhi than Sultan Alauddin Khalji turned to those nobles whom his own bribes had seduced them from allegiance to his predecessor. It ill became him to condemn them but it was evident that they were not to be trusted, and cupidity and policy pointed in the

1. Futuhus Salatin, pp.177-78; Habib & Nizami, p.300.

same direction. They were despoiled by degrees, first of their herds and then of their lands, and when nothing else remained they suffered in their persons. Some were put to death, some were blinded, and some were imprisoned for life, and the families of all were reduced to beggary.¹

Cases of Embezzlement:

Under Sultan Muhammad bin Tughluq

1. In Daulatabad grapes and pomegranates grew and bore fruit twice a year. It was one of the greatest and most important cities as far as the amount of its revenue and land taxes are concerned and on account of its great population and vast territories. A certain Hindu undertook for seventeedⁿ crores to realise the taxes of the city and of all its territories; and these territories extended to a distance of three months' journey. But he did not fulfil his obligations and his account showed a debit. Consequently his property was confiscated and he was skinned.²

1. Fuller & Khallaque, pp. 22-23; CHI, Vol. 111, p. 100²

2. Rehla, pp. 170-71.

Under Sultan Firoz Tughluq

1. Qazi Sadrul Mulk of Mahoba was punished to death for having embezzled fifty lakhs from the treasury.¹

2. Malik Shamsuddin Abu Raja suffered the punishment of confiscation of his property and banishment on the charge of embezzlement.²

Under Sikandar Lodi

1. Ever since the imprisonment of Barbak Shah, the administration and collection of the revenue of Jaunpur had been entrusted to Mubarak Khan Lodi. After some-time the Sultan demanded from Mubarak Khan an account of his stewardship. Mubarak Khan, who had been guilty of wholesale peculation, was much alarmed and sought the intercession of several influential courtiers with a view to avoiding an inquiry, but his anxiety betrayed his guilt, and he was ordered to pay into the treasury the large sums which he had embezzled.³

1. Afif, p.472.

2. Ibid, pp.474-92.

3. CHI, Vol-111, p.239.

Case of CheatingUnder Sultan Firoz Tughluq

1. When Sultan Firoz decided to issue the Shashgani (a silver coin worth six jitals), he ordered Kajar Shah, the Director of the Mint, to supervise the work. When the coin came into circulation, two persons represented to the Sultan that there was a deficiency of one grain of silver in the Shashgani. The Sultan instructed Khan-i-Jahan Maqbul to look into the complaint. Khan-i-Jahan undertook the responsibility of inquiring into the matter. He sent for Kajar Shah secretly and told him of the complaint. He assured the Shah that there was no intention of charging him with participating in the conspiracy of cheat the State, but he should make enquiry among his subordinates. If the charge of deterioration proved to be true, he (Khan-i-Jahan) would devise some adroit move by which the Shashgani coin should appear to the world as of full intrinsic value. Kajar Shah went back to his office and made the necessary investigations. It was found that the coin was one grain of silver deficient. He made a full and true report

to the Sultan. Khan-i-Jahan then recommended that some goldsmiths should be called in privately to test the truth of the matter, and Kajar Shah was asked to provide them. When Kajar Shah received this order he proceeded to the goldsmiths and communicated to them what he had heard from Khan-i-Jahan; telling them that they should contrive to show that the coin was all right and not deficient in silver. Accordingly some silver was smuggled in charcoal to the place where the coin was to be tested before the Sultan. When a few Shashgani coins were melted in a crucible which contained the smuggled silver and then weighed, it was found that they contained the necessary amount of silver in them. The two informers were exiled for false reporting and Kajar Shah was publicly paraded mounted on an elephant through the streets of the capital to show that he was an honest man.¹

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1. Elliot & Dowson, Vol. 111, pp. 357-60. This is a case where the poor informers were punished and the dishonest Kajar Shah rewarded for his dishonesty. Sultan Firoz was cheated by his own minister.

Chapter-XIABUSE OF AUTHORITY BY IMPERIAL SERVANTS:TYRANNY, OPPRESSION, MALADMINISTRATION

From time immemorial, there has been a tendency among persons placed in authority to take undue advantage of their offices and exploit the common people for their own benefits. It is this evil that is responsible for tyranny, oppression and maladministration. The government officials under the Sultanate of Delhi formed no exception to the rule, and they looked for opportunity to satisfy their lust for money as well as articles of luxury. But the Sultans were equally anxious that their subjects should not be made to suffer at the hands of imperial servants. This is apparent from the fact, that they never showed any mercy to persons, found guilty of oppression or tyranny, however high in rank or social status they might stand, and punished them as justice demanded. Sometimes the punishment might be in the shape of fine or imprisonment, but in other cases it might

cost the culprit of tyranny his very neck.

It is true that people living far off from the capital could not always find it possible or wise to travel long distances to present personally before the Sultan their tales of woe. But this difficulty was, to a great extent, mitigated by the fact that the Sultans themselves tried to gather informations, regarding the behaviour of their officials serving in far off places, through their spy system. These spies (newswriters) kept the ruler at Delhi informed of the day-to-day happenings in their respective areas of vigilance. In this way, many cases of tyranny and oppression reached the emperor's ears and the culprits of those crimes were dealt with accordingly.

The Sultans did not depend only on the efficient reporting of the newswriters; they themselves often passed through the different parts of their empire, sometimes at the head of an expedition and sometimes while going on hunting excursions. On these occasions, the people of the area, through which the imperial procession passed, could come forward and

place before ~~them~~ any case of oppression or maladministration they might have been subjected to.

These measures, among others, on the part of the Sultans of Delhi, to prevent tyranny in their empire, kept the state servants on their toes. The happy result is seen in the fact that there are not many cases of tyranny or oppression to be recorded by the chroniclers of the period under study.

Cases of Tyranny and Oppression

Under Balban

1. Once it was reported to the Sultan that Malik Haibat Khan, the Governor of Awadh, had beaten an innocent person to death. Balban inflicted five hundred lashes on the Malik, who escaped capital punishment only by making the widow of the deceased accept one thousand tankas as blood money.¹

Under Sultan Muhammad bin Tughluq

1. Malik Mujir, the Governor of Bayana, had committed many tyrannies. He had killed a large number of

1. Aziz Ahmad, pp. 261-62.

the inhabitants of the city of Bayana and mutilated many of them.¹ Once the Sultan paid a visit to Bayana. The people complained to him against the governor. The Sultan ordered his arrest and a collar was put round his neck. In that condition he used to attend the assembly hall (Diwan) and would sit in front of the wazir, while the inhabitants put in black and white their complaints against him. The Sultan ordered him to reconcile them, and he did so by giving them money. After this he was put to death.²

Under Sikandar Lodi

1. Sultan Sikandar Lodi had repeatedly declared in his farmans that the Imlak and Wazaif ^{etc.} ~~was~~ excluded from the Iqta. If any noble would disobey the royal farman in this respect, he would be severely punished. Once

1. Ibn Battuta, while passing through the city, saw one of the inhabitants of the town, a man of handsome appearance, sitting at the threshold of his house, both of whose hands and feet had been cut off.

Rehla, p. 152.

2. Ibid., p. 152.

Malik Turk, the Wajahdar of Arwal (in Gaya district), deprived a Sayyid of his Milk. The Sayyid came to the Sultan to file his complaint against the oppression he had suffered at the hands of Malik Turk. Since the Wajahdar was found guilty after an inquiry was made into the matter, the Sultan dismissed him from the State service.¹

Case of Maladministration

Under Sikandar Lodi

1. In the year 1499, Sikandar Lodi marched to Sambhal, where he spent four years, partly in pleasure and partly in transacting civil affairs. While thus employed, he heard heavy complaints from the Afghans against Asghar Khan, the governor of Delhi. On this he ordered Khawas Khan, governor of Machiwara, to proceed to Delhi, and to send Asghar Khan prisoner to court. Asghar Khan, receiving news of this intention, quitted the capital, and threw himself at the Sultan's feet at Sambhal; but not being able to frame sufficient excuse for his conduct, he was ordered into confinement.²

1. Some Aspects of Afghan Despotism, pp.148-49: Tarikh-i-Daudi, p. 44.

2. Briggs, Vol.1, p.336.

Chapter--XII

APOSTASY

If a true believer apostise, he is to be imprisoned for three days, during which period endeavours to reclaim him must be made; but should he persist in his apostasy, he is to be put to death; for there are only two modes of repelling apostasy, the turning again to the faith of Islam, or death. The first, however, is preferable; and it is therefore advisable that the apostate should be indulged with a short delay, in order that he may reflect on his sin; and that should he be actuated by any religious doubts or scruples, these may be removed by persuasion and instruction. But if a Muslim kill an apostate, without these conciliatory measures being adopted, though such an act ought to be avoided, yet the Muslim incurs no responsibility, for the infidelity of the apostate, as of an alien not under legal protection, renders the killing of him lawful. In the case of a woman becoming an apostate, she is not to be put to death, but to be imprisoned

until she returns to the true faith. But a difference of opinion exists respecting the manner in which a child under age, but of sufficient sense and understanding, who becomes an apostate, ought to be treated; some jurists holding that his want of age exempts him, as in other cases, from responsibility, as he has no legal power over his own acts; and others, that he should be imprisoned until he returns to Islam.

It is difficult to ascertain exactly the legal disabilities to which an apostate becomes liable; for if he escape death, by concealing himself in his own country, or by absconding into another, Abu Hanifa is of opinion that he becomes an apostate, but that it reverts to him on his returning to the true faith. Abu Yusuf and Muhammad, on the contrary, hold that the apostate retains his right in his property, and that consequently all his acts with respect to it are legal; but it is agreed that if he be killed in his apostasy, or he abscond, and the Qazi issue a decree of outlawry, his right in his property then ceases, and that such

property devolves immediately on his heirs, after the discharge of all debts which may be due by him. It is also held that, with the exception of acts relating to his own property, the apostate becomes dead in law. His marriages, guardianships, executorships, and the like, are, therefore, ipso facto dissolved, and he is rendered incompetent, until he returns to the true faith, to perform any civil functions whatsoever.

The preceding are all the public wrongs which are especially provided for by the Muslim law.


Heresy and Blasphemy dealt with

Under Sultan Razia

1. The most important event, which happened at the outset of Razia's reign, was the uprising of the heretics. On 4 March 1237, an armed body of them numbering about one thousand, entered the Juma Masjid from two directions, and attacked and killed a great number of Muslims who had assembled there for their Friday prayer. Thereupon, the warriors of the city such as Nasiruddin Aiyun, the Balarami and Amir Imam Nasir, the poet and others, all

armed with weapons, surrounded the heretics from all sides and put all of them to death.¹

Under Sultan Nasiruddin Mahmud

1. In the month of Rabi-ii, 653/  they conveyed to the hearing of the Sultan a remark from Malik Qutbuddin Husain, son of Ali Ghorî, who was Naib of the kingdom, which was contrary to the sublime opinion; and on Tuesday (23 Rabi-ii, 653), he cited Malik Qutbuddin Husain and ordered him to be arrested and imprisoned; and that Malik died in prison.²

Under Firoz Tughluq

1. A Brahman who used to assemble Muslims and Hindus in his house and was guilty of having converted a Muslim woman was brought before the Sultan. The Sultan offered him two alternatives----acceptance of Islam or being burnt alive. The Brahman preferred the latter alternative and was burnt to death.³

1. Raverty, Vol. I, pp. 646-47; Aziz Ahmad, pp. 196-97.

2. Ibid., p. 702.

3. Habib & Nizami, p. 609; Elliot & Dowson, Vol. III, p. 365.

It is strange how the Sultan sentenced the Brahman to death by burning, which is not permitted by Islam.

2. Ahmad Bihari, the leader of a particular sect, was guilty of leading men to perverse ^{faith} ~~faith~~. He was ordered to be imprisoned until such time as he repented.¹

3. Complaint reached the Sultan that one Ruknuddin Mahdi declared himself the "apostle of God," and converted many to his faith. The Sultan instituted a thorough enquiry into the matter; ~~the~~ Mahdi confessed his guilt, and the doctors of law having declared him an infidel,² he was put to death.

4. One of the sons of Ain-i-Mahru's teachers in Gujarat was charged for declaring himself as God, reducing his ideas to writing and converting others to his faith. A close enquiry into his case found him guilty of the charge of heresy, and, accordingly, he was awarded capital punishment.³

1. Futuhat-i-Firoz Shahi, vide Islamic Culture,
Vol. 15, 1941, pp. 454-56.

2. Ibid.

3. Ibid.

Under Sikandar Lodi

1. It was reported to the Sultan that Ahmad Khan, son of Mubarak Khan Lodi, who was governor of Lucknow, mixed freely with the infidels and adopted many of their ways contrary to the teachings of Islam. The Sultan ordered Muhammad Khan, brother of Ahmad Khan, to arrest the latter and send him to the court.¹
2. It was reported to the Sultan(1499) that a Brahmin, whose name was Buddhan, and inhabitant of Khataen^{near}/Lucknow, being upbraided by some Muslims on account of his faith, maintained that the religions both of the Muslims and Hindus, if acted on with sincerity, were equally acceptable to God.

As his opinion had been supported with some ingenuity, and much argument, by the Brahmin, the subject came to be discussed publicly before the qazis of Lucknow, and the Brahmin was ordered to appear. On this occasion Qazi Piala and Shaikh Badr, both residing at Lucknow, had different opinions; and the arguments of the Brahmin having made some stir in the city, Azam Humayun, the governor, thought fit to send all the parties to

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- 1. Tarikh-i-Khan-i-Jahani, Vol.1, p.207; Tabaqat-i-Akbari, Vol.1, p.379.

court at Sambhal, where the Sultan, who was fond of hearing disputations on religious subjects, directed the most learned men in his empire to assemble and argue the point of faith with the Brahmin.

After many arguments, the learned men were of opinion, that unless the infidel, who had maintained the Hindu worship to be equally acceptable to God as that of the true faith, should renounce his error and adopt the Islamic faith, he should suffer death. The Brahmin refused to change his faith, and was accordingly executed.¹

Witch put to death

1. One day a woman was brought before Ibn Battuta (who was the judge of the capital city of Delhi), and was charged that she was a kaftar (eater of dead bodies) and had eaten the heart of a child who happened to be near her. Ibn Battuta sent her to Khwaja Jahan who was then acting as Naibus Sultan in the absence of the Sultan

1. Briggs, Vol.1, pp.336-37. This case is cited as an example of Sikandar Lodi's religious intolerance. It is forgotten that the decree of death was passed by the whole body of theologians assembled to argue with the Brahman, and that Sikandar had no other alternative than to comply with it. If he were really intolerant, Kabir, who flourished during his reign, would not have been allowed to carry on his non-sectarian preaching.

in the south. Khwaja Jahan ordered her to be put to a test. The test was this: four pitchers were filled with water and tied to the hands and feet of the woman who was then thrown into the Jumna. But she did not drown, whereby it was proved that she was a kaftar. If she had not floated on the surface of the water, she could not have been a kaftar. Khwaja Jahan then ordered her to be burnt.¹

1. Rehla, p. 165.

APPENDIX--ATHE CHRONOLOGY OF THE SULTANS OF DELHI(1206 - 1526)Slave Kings

| | | | | |
|----------------------|-------|-------|-------|-----------|
| Qutbuddin Aibak | ----- | ----- | ----- | (1206-10) |
| Aram Shah | ----- | ----- | ----- | (1210-11) |
| Shamsuddin Iltutmish | ----- | ----- | ----- | (1211-36) |
| Ruknuddin Firoz Shah | ----- | ----- | ----- | (1236) |
| Razia | ----- | ----- | ----- | (1236-40) |
| Muizuddin Bahram | ----- | ----- | ----- | (1240-42) |
| Alauddin Masud | ----- | ----- | ----- | (1242-46) |
| Nasiruddin Mahmud | ----- | ----- | ----- | (1246-66) |
| Ghiyasuddin Balban | ----- | ----- | ----- | (1266-87) |
| Muizzuddin Kaiqubad | ----- | ----- | ----- | (1287-90) |

Khaljis

| | | | | |
|--------------------------|-------|-------|-------|-------------|
| Jalaluddin Khalji | ----- | ----- | ----- | (1290-96) |
| Alauddin Khalji | ----- | ----- | ----- | (1296-1316) |
| Qutbuddin Mubarak Khalji | ----- | ----- | ----- | (1316-20) |

Tughluqs

| | | | | |
|----------------------------|-------|-------|-------|-------------|
| Ghiyasuddin Tughluq | ----- | ----- | ----- | (1320-25) |
| Muhammad bin Tughluq | ----- | ----- | ----- | (1325-51) |
| Firoz Tughluq | ----- | ----- | ----- | (1351-88) |
| Firoz Tughluq's Successors | --- | ----- | ----- | (1388-1412) |

Sayyids

| | | | | |
|-------------------------|-------|-------|-------|-----------|
| Khizr Khan | ----- | ----- | ----- | (1414-21) |
| Muizzuddin Mubarak Shah | ----- | ----- | ----- | (1421-33) |
| Muhammad Shah | ----- | ----- | ----- | (1433-43) |
| Alauddin Alam Shah | ----- | ----- | ----- | (1443-51) |

Lodis

| | | | | |
|---------------|-------|-------|-------|-------------|
| Bahlul Lodi | ----- | ----- | ----- | (1451-88) |
| Sikandar Lodi | ----- | ----- | ----- | (1488-1517) |
| Ibrahim Lodi | ----- | ----- | ----- | (1517-26) |

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